ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

Memo

To: **Julie Wright**
David J. Powers & Associates, Inc.

Date: **April 25, 2012**

From: **James A. Reyff**

Subject: **Campoli Residential Projects in Morgan Hill, CA - TAC and $PM_{2.5}$ Assessment**

Two residential projects are proposed in Morgan Hill that would be adjacent to Old Monterey Road and near the Union Pacific Railroad line (UPRR) that serves CalTrain. The number of residences proposed by these projects is below the screening size recommended in the Bay Area Air Quality management (BAAQMD) CEQA Air Quality Guidelines for conducting quantified emissions analysis. Therefore, the impact from these projects on air quality in terms of their effect from air pollutant emissions could be considered less than significant. That is, they would not cause or contribute to a violation of an ambient air quality standard nor would they result in cumulatively considerable emissions of an air pollutant (or precursor air pollutant) that the air basin is considered non attainment. However, project construction emissions could cause localized impacts to nearby residences and existing sources of traffic and train emissions could adversely affect future residences of the proposed project. An analysis of these impacts was conducted previously for the Hale-Signature Project, which is adjacent to these projects. The purpose of this memo is to describe that analysis and apply those results to the Campoli Residential projects.

The Hale-Signature air quality and greenhouse gas emissions assessment evaluated the effect of toxic air contaminant (TAC) emissions in two ways:

1. An analysis of health risk impacts at nearby existing residences caused by project emissions of TACs during construction.

2. Analysis of long-term roadway and train emissions of TACs upon future sensitive receptors (new project residences) in terms of health risk.

Results of these assessments are applied to the Campoli projects.

TAC Construction Impacts

Construction of the Campoli Residential projects would emit TACs that could affect nearby existing residences in terms of increased cancer risk and $PM_{2.5}$ concentrations.

Results from Hale Signature Project Assessment

Construction TAC and $PM_{2.5}$ impacts for the Hale-Signature project were assessed previously. TAC emissions, in the form of diesel particulate matter or DPM, from construction of about 108 residential units were computed and then input to a dispersion model to predict concentrations of fine particulate matter ($PM_{2.5}$). Specifically, emissions were computed using the URBEMIS2007 model along with projected construction activity. The project information and preliminary construction schedule was entered into the URBEMIS2007 model, which predicted anticipated construction and associated emissions. Construction of the project was expected to occur over three years, 2013 through 2015. The URBEMIS2007 model provided annual $PM_{2.5}$ exhaust emissions (assumed to be all diesel particulate matter) for the off road construction equipment.

The U.S. EPA ISCST3 dispersion model was used to predict concentrations of DPM at existing residences surrounding the project site. The ISCST3 modeling included area sources to represent the project construction area. Receptors were coded into the model to represent positions where existing residences are located relative to construction activities. Receptor locations are meant to represent positions where sensitive receptors could have prolonged exposure to construction emissions. These emissions were modeled as occurring during the daytime only. Emissions for each of the construction years were modeled. The model used a 5-year data set of hourly meteorological data collected at San Martin Airport. Annual concentrations from construction activities were predicted for each construction year (2013 – 2015), with the concentrations for each construction year based on the 5-year average concentrations from modeling 5 years of meteorological data.

Increased cancer risks were calculated using the maximum modeled annual concentration and BAAQMD recommended risk assessment methods for both a child exposure (3rd trimester through 2 years of age) and for an adult exposure. Since the modeling was conducted assuming emissions occurred 365 days per year, the default OEHHA[1] exposure period of 350 days per year was used.

Results of that assessment indicate a incremental child cancer risk of 9.4 excess cancer cases per million and the adult incremental cancer risk is 0.5 excess cancer cases per million. This cancer risk is below the BAAQMD's threshold of 10 in one million excess cancer cases per million. As a result, the project would have a less than significant impact with respect to community risk caused by construction activities.

Application to Campoli Residential Projects

The Campoli North project is located immediately adjacent to the Hale-Signature project. This project proposes 10 single family houses that would be set back further from Monterey Highway, Hale Avenue and the UPRR than the Hale-Signature project. The South Campoli Drive Project proposes 11 single family houses. This project is adjacent to the Old Monterey Road with a setback to the UPRR that is similar to the Hale-Signature project.

Both Campoli Residential projects are much smaller than the Hale-Signature project. As a result, TAC emissions during construction would be much lower. Therefore, cancer risk and $PM_{2.5}$ concentrations would be lower than those predicted for the Hale-Signature project. Cancer risk associated with these projects would be less than 9.4 excess cancer cases per million and $PM_{2.5}$ concentrations would be less than 0.1 μgm^3. This impact would be considered less than significant.

[1] OEHHA 2003. Air Toxics Hot Spots Program Risk Assessment Guide*lines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Office of Environmental Health Hazard Assessment. August 2003.

Roadway and Train TAC and $PM_{2.5}$ Impacts

Both the Campoli Residential projects are in close proximity to existing TAC sources, identified as Monterey Highway and trains using the UPRR.

The Hale-Signature project evaluated TAC and $PM_{2.5}$ impacts from Monterey Highway and trains using the UPRR upon new sensitive receptors or future residences associated with the project. Stationary sources of substantial TAC or $PM_{2.5}$ emissions were not identified near the project site.

Roadway TAC and $PM_{2.5}$

Monterey Highway is a busy arterial roadway near the project site with an estimated 39,300 daily trips (2-way) between Peebles Avenue and Madrone Parkway (according to City's General Plan Circulation Element traffic study). New residences developed by the project would be about 150 feet or further from this roadway. The BAAQMD provides screening tables that indicate predicted community risk impacts that roadways pose. At 100 feet from the Monterey Highway, these tables indicate cancer risk would be less than 7.2 cases per million and at 100 feet and PM2.5 concentrations would be less than 0.26 µg/m3. These levels are below the BAAQMD significance thresholds, and therefore, the exposures would be considered less than significant. Hale Avenue has much less traffic and a greater setback, so the exposures are less than Monterey Highway. The Campoli North project has a setback further from Monterey Highway than the closest proposed residence with the Hale-Signature project, so levels of TACs and $PM_{2.5}$ would be less. The South Campoli Drive project has a setback similar to the Hale-Signature project, so exposures would be similar.

Train TAC and $PM_{2.5}$

Impacts from trains upon the Hale-Signature project were also predicted. The UPRR line runs parallel to Old Monterey Road and is adjacent to the northeastern property boundaries of the Campoli property. The UPRR is used by trains for passenger and freight service. Along this portion of the UPRR line CalTrain operates 3 trains per weekday between Gilroy and San Jose, Amtrak has one passenger train daily, and there about 6 freight trains daily.

DPM and $PM_{2.5}$ emissions from trains on the UPPR rail line were computed using EPA emission factors for locomotives and CARB adjustment factors to account for fuels used in California. Each passenger train was assumed to use one locomotive. Although the freight trains may have more than one locomotive, it was assumed that for this section of the rail line, which is relatively level, only one locomotive would be powering the trains. Emissions from the freight trains were calculated assuming they would use locomotives with 4,300 hp engines and would be traveling at about 60 mph with the engines operating at about 60% load. Passenger train locomotives were assumed to have 3,200 hp engines operating at 60% load and would be traveling at 60 mph. Emissions were calculated for years 2014, 2015, 2020, and 2025. Electrification or use of Electro-Multiple Units are part of CalTrain's future plans, but were not incorporated into the study.

Similar to construction impacts, dispersion modeling of locomotive emissions was conducted using EPA's ISCST3 model and a five-year set of hourly meteorological data for the San Martin Airport. Locomotive emissions were modeled as a line source (series of volume sources) along the rail line in the vicinity of project. Concentrations were calculated at receptor locations within the project site where residential development would occur.

Using the maximum modeled long-term average DPM concentration, the maximum individual cancer risk at the project site was computed. The factors used to compute cancer risk are highly dependent on

modeled concentrations, exposure period or duration, and the type of receptor. The exposure level is determined by the modeled concentration. This assessment conservatively assumed long-term residential exposures for a nearly-continuous exposure of 70 years. It should be noted that the cancer risk calculations applied the BAAQMD-recommended Age Sensitivity Factors to the cancer risks for residential exposures, accounting for age sensitivity to toxic air contaminants.

The maximum increased cancer risk from train traffic was computed as 4.2 per million for the Hale-Signature property. This was modeled at the receptor closest to railroad line, about midway along the northeastern portion of the Hale-Signature site closest to Monterey Road. Cancer risks at other residential areas within the Hale-Signature project site would be lower than the maximum cancer risk. The maximum average $PM_{2.5}$ concentration of 0.03 μg/m3 occurred at the same receptor that had the maximum cancer risk. The maximum predicted cancer risk and $PM_{2.5}$ concentration for the Hale-Signature project is below the BAAQMD significance thresholds for cancer risk and $PM_{2.5}$ exposure.

Similar to Monterey Highway impacts, the Campoli Residential projects have setbacks from the UPRR that are similar or greater than the Hale-Signature project. Therefore, TAC and $PM_{2.5}$ exposure would be equal or less and insignificant.

Cumulative TAC Sources

The combination of roadway and train TAC and $PM_{2.5}$ emissions were found result in concentrations at the Hale-Signature project that are well below any of the cumulative TAC thresholds recommended by BAAQMD. A similar finding would apply to the Campoli Residential projects.

12-044

JR

LIVE OAK ASSOCIATES, INC.
an Ecological Consulting Firm

February 20, 2013

Julie Wright
David J. Powers & Associates
1871 The Alameda, Suite 200
San Jose, California 95126

Subject: Biological constraints analysis of the South Campoli Drive site, Morgan Hill, Santa Clara County, California (PN 1621-01)

Dear Julie:

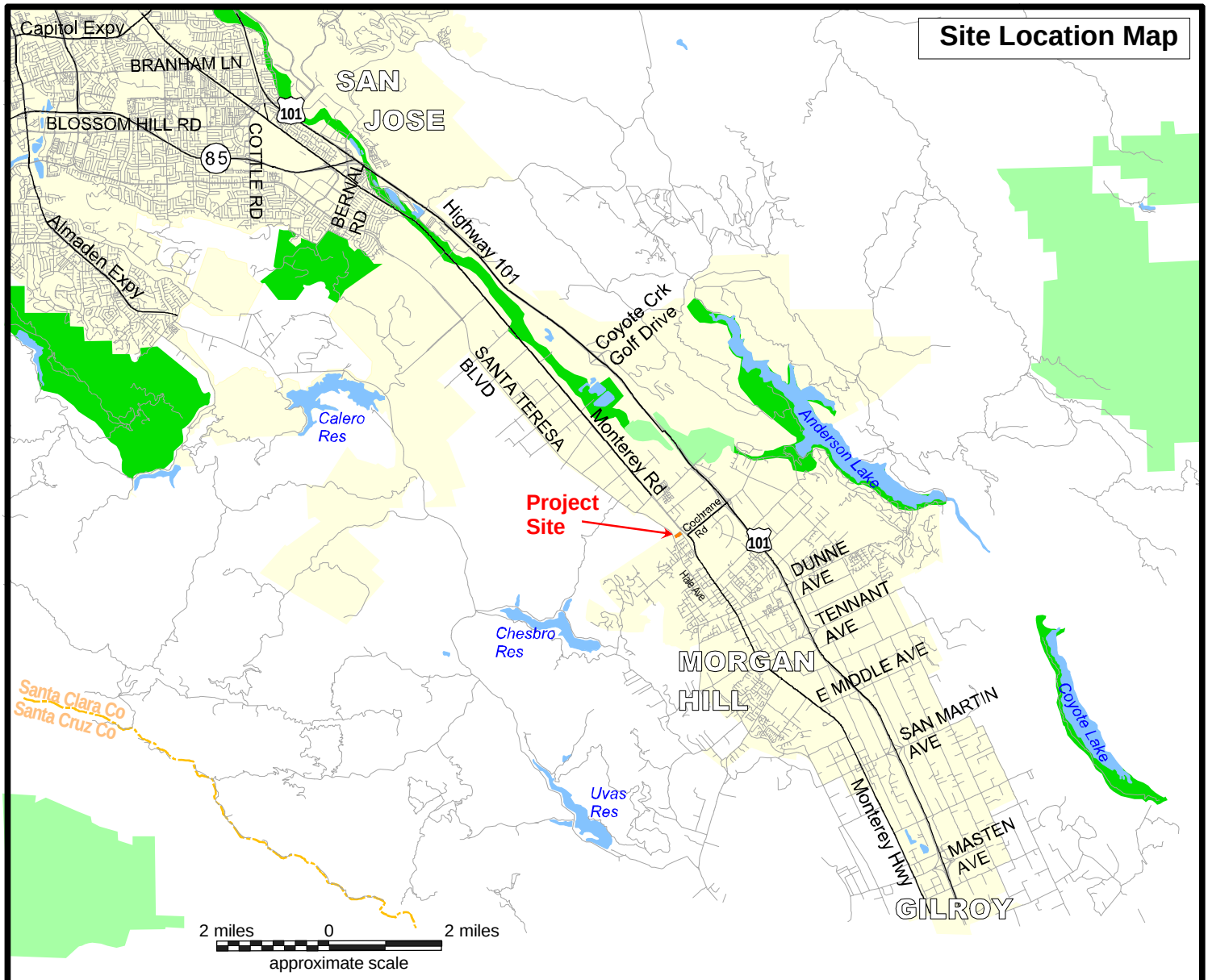
At your request, Live Oak Associates, Inc. (LOA), completed an analysis of potential biological constraints, including a formal tree survey, for the Campoli Drive property located at 18699 Old Monterey Road in the City of Morgan Hill, Santa Clara County, California. The proposed project would allow for the development of the site with approximately 11 single-family residences. It is our understanding that the proposed project design includes a 30 foot right-of-way setback from the channelized portion of Fisher Creek that occurs along the southwestern boundary of the site.

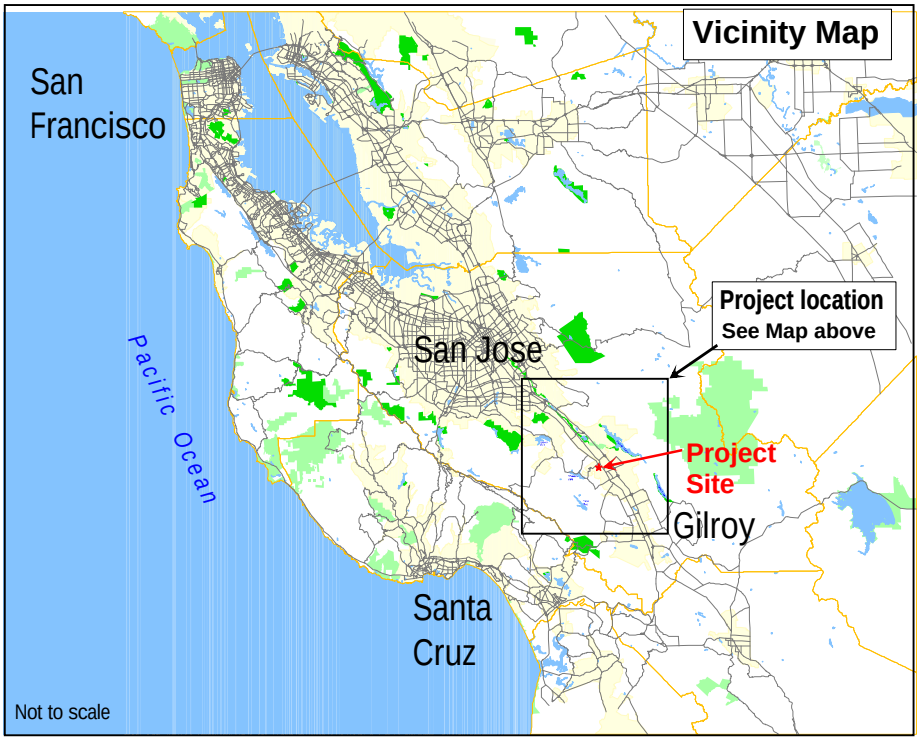
LOA ecologist Nathan Hale conducted a preliminary site visit on April 18, 2012. A second site visit was conducted by Mr. Hale and LOA botanist/certified arborist Neal Kramer (Certification: WE-7833A) on June 14, 2012. The primary objectives of these visits were to 1) identify the constituent species and habitats of the site, 2) assess the potential of the site to support sensitive habitats (e.g., wetland and riparian habitats) or suitable habitat for special status plant or animal species, and 3) conduct a formal tree survey (refer to Appendix A). Other sources of information used in the preparation of this analysis included the Natural Resource Conservation Service's *Soil Survey of Santa Clara, California* (2012), the *California Natural Diversity Data Base* (CDFG 2012), special status species lists prepared by the California Department of Fish and Game (CDFG; 2011), U.S. Fish and Wildlife Service (USFWS; 2012), and California Native Plant Society (CNPS; 2012), and manuals and references related to plants and animals found in and around Santa Clara County.

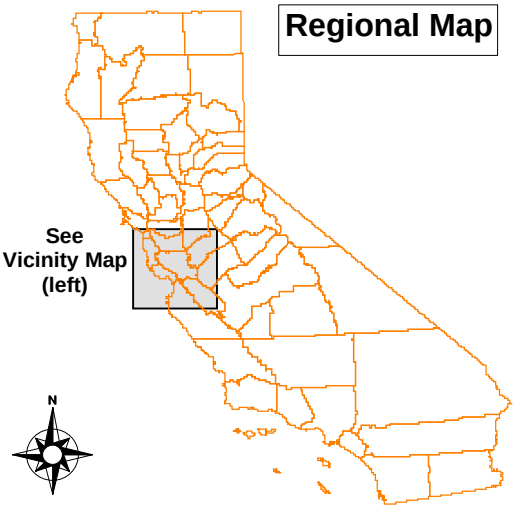
EXISTING CONDITIONS

Regional Setting

The approximately 2.35-acre site is located within the northern portion of the City of Morgan Hill to the west of the southwestern terminus of Cochrane Road (Figure 1). The project site







Live Oak Associates, Inc.		
Campoli Dr Vicinity Map		
Date **4/17/2012**	Project # **1621-01**	Figure # **1**

is located in the Morgan Hill 7.5" U.S. Geological Survey (USGS) quadrangle and is bounded by residential units along Paloma Drive to the southeast, Old Monterey Road to the northeast, Campoli Drive to the northwest, and residential properties adjacent to the onsite portion of Fisher Creek to the southwest. Topographically, the site is fairly level at approximately 355 ft. (108 m) National Geodetic Vertical Datum (NGVD). Surrounding land uses are primarily residential, open space/agricultural (i.e. rangeland), and major and minor roadways. The site currently supports one residential unit with an associated gravel driveway both of which are surrounded by ruderal grassland. A channelized portion of Fisher Creek lies along the southwest boundary of the site.

Soils

Three soil types were identified on the project site (Table 1; NRCS 2007). The Pleasanton loam makes up the majority of the site, is slightly acidic, and is not considered to be highly alkaline, serpentine, nor hydric. Maxwell clay, making up approximately a third of the site is considered a soil with serpentine components. Los Osos clay loam comprises only a small portion of the site adjacent to and within Fisher Creek. While the soil characteristics of these series site would not preclude the presence of some edaphic special status plant species (i.e. species that occur within the limits of the unique soil properties of serpentine soils, hydric soils, etc.), the soils of the site are highly impacted from regular annual discing (which occurred on April 18, 2012 immediately following my survey). It also appears that minor agricultural crop production has occurred within the property in the past, further indicating disturbances. These disturbances of both soil profiles and plant community composition would preclude many of the special status plant species that occur regionally from occurring within the site (refer to Appendix A).

Table 1: Soils of the South Campoli Drive Project Site

Soil Series/Soil	Site content (%)	Parent Material/Notable Characteristics	Surface Permeability	Hydric (Composition)
Pleasanton loam, 0 to 2 percent slopes,	64	Fine loam soil; Slightly acid to neutral; Well drained; Slow to medium runoff.	Moderately Slow permeability	No
Maxwell clay, 0 to 5 percent slopes	32	Derived from serpentinitic alluvium; Mildly to moderately alkaline; Slow runoff; Very slow permeability	Somewhat poorly drained	No
Los Osos clay loam, 30 to 50 percent slopes	3	Derived from weathered sandstone and shale/ Slightly acidic; Well drained; Very high runoff	Slow permeability.	Yes (5%)

Habitats

The site consists of three land types, including disturbed annual grassland, creek/riparian, and developed/residential. Dominant vegetation of the annual grassland consisted of common weedy species for the area including wild oat (*Avena* sp.), black mustard (*Brassica nigra*), yellow star thistle (*Centaurea solstitialis*), redstem filaree (*Erodium cicutarium*), summer mustard (*Hirschfeldia incana*), foxtail barley (*Hordeum murinum*), serrated lettuce (*Lactuca serriola*), sweet pea (*Lathyrus* sp.), mallow (*Malva* sp.), bur clover (*Medicago polymorpha*), English plantain (*Plantago lanceolata*), milk thistle (*Silybum marianum*), and purple salsify (*Tragopogon*

porrifolius), to name a few. Escaped and/or remnant crop vegetables observed included chard/beet (*Beta vulgaris*) and squash/pumpkin (*Cucurbita pepo*). Trees occurring within this portion of the site were one native coast live oak (*Quercus agrifolia*) growing through the frame of an old pickup, several mature walnuts (*Juglans hindsii*), a row of small almonds (*Prunus dulcis*), and an olive (*Olea europaea*).

Fisher Creek, which occurs on the southwest boundary of the site, is a narrow, low-order, channelized creek that carries water north into Coyote Creek. At the time of the April and June 2012 surveys, minimal water was present in the creek; only shallow puddles of standing water was present during the June survey. The banks of the creek supported a dense covering of Himalayan blackberry (*Rubus armeniacus*). The bed and lower banks supported wetland species including tall flatsedge (*Cyperus eragrostis*), slender willow herb (*Epilobium ciliatum*), Baltic rush (*Juncus balticus*), and water beard grass (*Polypogon viridis*). Just offsite to the southwest, on the top of the western bank of the creek, was a row of Chinese privets (*Ligustrum sinense*). The onsite bank completely lacked a riparian tree canopy; therefore, the top-of-bank (noted as the edge of blackberry for most of the bank) was determined to be the outer edge of the riparian habitat.

The developed area of the study area included a residential house with a fence surrounding a backyard area and a compacted earthen driveway. The backyard had some lawn area and two large commercial walnut trees (*Juglans regia*). A toyon (*Heteromeles arbutifolia*) and a magnolia (*Magnolia grandiflora*) tree were located near the front of the house. Current residents maintained a chicken coup and had several outdoor pet dogs. Disturbed annual grassland habitat of the site occurred up to the edge of the driveway and surrounding the house and yard areas.

Wildlife observed on the site included the western fence lizard (*Sceloporus occidentalis occidentalis*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), American crow (*Corvus brachyrhynchos*), lesser goldfinch (*Carduelis psaltria*), house finch (*Carpodacus mexicanus*), cat (*Felis catus*), and evidence of both Botta's pocket gophers (*Thomomys bottae*) and California voles (*Microtus californicus*) in the form of a few small burrows and digs.

Tree Survey

A formal survey of the trees of the property was conducted on June 14, 2012 by LOA botanist/ certified arborist Neal Kramer (Certification: WE-7833A) and Staff Ecologist Nathan Hale. All tree-like vegetation of the site was included in the survey; however, trees subject to the City of Morgan Hill's Municipal Code restrictions (Chapter 12.32) are defined as:

> "…any live woody plant rising above the ground with a single stem or trunk of a circumference of forty inches (approx. 12.7" dia.) or more for nonindigenous species and eighteen inches (approx. 5.7" dia.) or more for indigenous species measured at four and one-half feet vertically above the ground or immediately below the lowest branch, whichever is lower, and having the inherent capacity of naturally producing one main axis continuing to grow more vigorously than the lateral axes. All commercial tree farms, nonindigenous tree species in residential zones and orchards (including individual fruit trees) are exempted from the definition of tree for the purpose of this chapter. Trees

of any size within the public right-of-way shall constitute a tree for the purposes of this subsection."

Of the 19 trees of the site, none are defined as significant trees by the City of Morgan Hill (Table 2; Figure 2).

Table 2: Trees of the South Campoli Drive Property.

	Common Name	Scientific Name	DBH (in.)	Height (ft.)	Native	Health **	Structure **
1	N. California black walnut	*Juglans hindsii*	12, 9	25	-	8	7
2	N. California black walnut	*Juglans hindsii*	3	8	-	4	4
3	Almond	*Prunus dulcis*	16, 7.5	20	-	8	6
4	Almond	*Prunus dulcis*	11	10	-	6	6
5	N. California black walnut	*Juglans hindsii*	19, 3	30	Yes	7	8
6	N. California black walnut	*Juglans hindsii*	13, 9	28	Yes	8	5
7	N. California black walnut	*Juglans hindsii*	35	35	-	8	7
8	Southern magnolia	*Magnolia grandiflora*	9	24	-	8	6
9	Toyon	*Heteromeles arbutifolia*	3, 2.5, 4	16	Yes	8	6
10	Olive	*Olea europaea*	8	15	-	9	6
11-16	Almond (s)*	*Prunus dulcis*	-	-	-	-	-
17	Coast live oak	*Quercus agrifolia*	5	14	Yes	7	4
18	N. California black walnut	*Juglans hindsii*	37	25	-	6	6
19	N. California black walnut	*Juglans hindsii*	18	20	-	7	6

* Trees 11-16 are orchard trees that were observed in a row along Campoli Drive and ranged in height from 10 to 20 feet.

**Health and Structure Ratings: Good (8-10) = 80-100% healthy foliage and no significant defects; Fair (5-7) = 50-79% healthy foliage and/or minor defects: Poor (1-4) = 5-49% healthy foliage and/or other significant defects; and Dead (0) = less than 5% healthy foliage.

While several of the trees fall within the size definition of significant trees, specifically including the black walnuts and one toyon, other characteristics of these specimens likely disqualify them from being defined as trees under the City's ordinance. All walnuts of the site show evidence of being orchard trees at some point in the past. Also, the toyon, while a native species, is typically defined as a shrub. While this tree has been pruned over time into the form of a tree, it also lacks a main axis stem necessitated under the City's definition.

Special Status Species

A search of published accounts for all relevant special status plant and animal species was conducted for the Morgan Hill USGS 7.5" quadrangle in which the project site occurs and for the eight surrounding quadrangles (Lick Observatory, Isabel Valley, Mt. Sizer, Gilroy, Mt. Madonna, Loma Prieta, Santa Teresa Hills, and San Jose East) using the California Natural Diversity Data Base (CNDDB) Rarefind (CDFG 2012). These species and their potential to

LEGEND

8 Tree Locations and Numbers

N

200' 0 100' 200 feet

Approximate Scale

Live Oak Associates, Inc.

Campoli Drive
Tree Survey

Date	Project #	Figure #
2/20/2013	1621-01	2

occur in the study area are summarized in Appendix A. Species that may pose constraints to the proposed project are included in the discussion below.

Jurisdictional Waters

Jurisdictional waters include rivers, creeks, and drainages that have a defined bed and bank and which, at the very least, carry ephemeral flows. Jurisdictional waters also include lakes, ponds, reservoirs, and wetlands. Such waters may be subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Game (CDFG), and the California Regional Water Quality Control Board (RWQCB). Jurisdictional waters are present on the site in the form of Fisher Creek. Fisher Creek, including the bed and bank, would be regulated by the CDFG, USACE and RWQCB. While this creek is not proposed to be impacted, were that to change, it could constrain the project. This is discussed briefly below.

Santa Clara Valley HCP/NCCP

The Santa Clara Valley Habitat Plan (HCP) has not yet been implemented. However, the HCP, which is likely to be implemented in 2013, would pertain to the subject parcel. This could include provisions related to the presence of Fisher Creek in the form of construction setbacks, and a per-acre fee may be applicable. This fee would be imposed on the acreage of all project components including structures, driveway, and landscaping, plus a 50-foot buffer around these components (not extending to areas outside of the property). If a water line or leach field is proposed, a 10-foot buffer would be included in the calculation of this more temporary impact.

Due to the fact that several amendments have been recently added to the HCP, it is not known precisely what details of the HCP would pertain to the subject property at this time. Only if the HCP were implemented prior to pulling of a site grading permit would the project be subject to the provisions addressed therein.

City of Morgan Hill Municipal Code – Significant Tree Removal

Chapter 12.32 of the City's municipal code seeks to protect all trees defined in the code as significant. The ordinance states that "it is unlawful for any person to cut down, remove, poison or otherwise kill or destroy, or cause to be removed any tree or community of trees on any city or private property" without proper authorization from the City in the form of a permit or approved development project. While none of the trees onsite is considered to be a significant tree by the City of Morgan Hill, the City's development director is the final arbiter of requirements under this ordinance.

City of Morgan Hill Burrowing Owl Mitigation Plan

In 2003, the City of Morgan Hill adopted a program designed to provide comprehensive mitigation for impacts to burrowing owls occurring within the City en lieu of project by project mitigation. This plan, the *City of Morgan Hill Burrowing Owl Mitigation Plan* (2003; Plan), established that a fixed amount of habitat, capable of supporting burrowing owls (as defined in the Plan), would be established and maintained with fees collected from development within potentially suitable burrowing owl habitat and area near such habitat (under the presumption that burrowing owls are likely impacted to a degree by proximal development regardless if the actual habitat is intact). As of 2012, the City has established and maintained the lands around the

Edmundson Water Tank facility as burrowing owl habitat. Collected fees from development have paid into a fund to provide long term biological monitoring and maintenance of such land. This plan meets the requirements of CEQA. Constraints to the project resulting from burrowing owls are discussed below.

BIOLOGICAL CONSTRAINTS AND OPPORTUNITIES

It is our understanding that the constraints discussed below are based on proposed development of 12 single family residences, including a 30-foot right-of-way setback from Fisher Creek.

Jurisdictional Waters

Waters of the U.S. and waters of the State are present on the site in the form of Fisher Creek. Proposed development includes a 30-foot development-free setback from the top-of-bank of Fisher Creek (which is also the edge of the riparian habitat); therefore, no impacts are anticipated to jurisdictional waters. However, if any changes to the proposed project include impacts to the bed and/or bank of Fisher Creek, such impacts would be regulated. The USACE, RWQCB, and CDFG would have regulatory authority over various portions of this feature. Such impacts would require that a formal wetland delineation be completed and submitted to the USACE for verification, and the appropriate permits would need to be obtained from these agencies. These permits are usually issued on the condition that a mitigation plan be prepared and approved by the state and federal regulatory agencies listed above. Typical mitigation measures include the creation of replacement habitat, habitat enhancement, and/or the preservation of existing habitat via a conservation easement at a replacement-to-disturbance ratio determined by the agencies.

Special Status Plants

Given the high-level of disturbance to the soils of the site, most special status plants species are presumed absent or unlikely to occur on the site. However, it is still possible that the special status plant species, smooth lessingia (*Lessingia micradenia* var. *glabrata*), which is known to occur in the region on disturbed serpentine soils, may occur on the site (Appendix A). Focused rare plant surveys should be conducted for this species prior to ground disturbance and during their appropriate blooming period (July – September). If focused rare plant surveys determine that this species (or species that have been presumed to be unlikely to occur) is present with a population representing a significant ecological size (greater than or equal to 40 individuals, based on the smaller sized populations as recorded in the historic record (CDFG 2012)) then appropriate avoidance and/or minimization measures should be taken to minimize impacts. If the populations cannot be avoided, then compensation for the loss of individuals would need to occur. Such measures may include the development and implementation of an offsite restoration plan in order to replace the plants and habitat lost during project buildout. A qualified botanist would need to prepare a restoration plan to be approved by the City of Morgan Hill. This plan should be detailed with regard to the materials and methods required for the restoration effort and should include a standard five year monitoring and maintenance program with reasonable success criteria. The restoration would need to be initiated within 1-year of the impact and seed collection from the impacted population should occur prior to the impact. If the target species were not detected, then the project would result in no impacts to rare plants, and no additional surveys or mitigations would be warranted.

Special Status Wildlife

Most special status animal species known to occur in the region would not constrain future site reclamation because habitats on the site are not suitable for them or the site is located outside of the species' known range. For a more detailed treatment of individual special status wildlife species that occur regionally, refer to Appendix A.

Several special status bird species may forage over the site or nest in trees on the site (see section below); however, loss of this potential foraging and nesting habitat would be considered a less-than-significant impact under CEQA due to the fact that similar and higher quality nesting and foraging habitat is regionally abundant, and the loss of the few trees and acres would constitute a minute fraction of this type of habitat. Therefore, loss of this foraging and nesting habitat would not constrain future development (see discussions below related to burrowing owls and tree-nesting migratory birds).

Burrowing owls

Potential habitat for the western burrowing owl occurs on the site in the form of grassland habitat; however, this potential habitat would be of marginal quality. The site maintains a small fossorial rodent population, despite annual discing of the site, which provides both a prey base and which could provide suitable burrows for the owls. No owls or evidence of burrowing owls was observed during the April and June 2012 surveys. Also, no sightings of the species have been documented on or adjacent to this property. Regardless, the burrowing owl is a volant species that may pass through the site from time to time, and may, in the future, overwinter and/or breed on the site. If a burrowing owl were to nest in the proposed development area prior to the start of construction, construction activities could result in the abandonment of active nests or direct mortality to these birds. Construction activities that adversely affect the nesting success or result in mortality of individual owls would be considered a significant impact.

In order to avoid impacts to the burrowing owl, protocol-level pre-construction surveys should be conducted by a qualified biologist. If owls are present, a passive relocation effort by a qualified biologist can be used during the non-breeding season to ensure that owls are not harmed during project buildout. If owls are nesting on the site, as determined during pre-construction surveys, a suitable buffer should be established around the nest and active burrows until it has been confirmed by a qualified biologist that owls have vacated the site. In addition, and regardless of the presence or absence of owls, the applicant would need to provide payment of required fees pursuant to the *City of Morgan Hill Burrowing Owl Mitigation Plan* for impacts to and near suitable burrowing owl habitat. Fees collected by the City shall be used towards purchase and maintenance of preserved lands for burrowing owls.

Tree-Nesting Raptors and Other Migratory Birds

Trees occurring on and adjacent to the site could be used by tree-nesting raptors and other migratory birds for breeding. Most nesting migratory birds, regardless of their status, are protected by state and federal laws. Therefore, development activities that adversely affect the nesting success of raptors and other migratory birds (i.e., grading and tree removal) or result in mortality of individual birds constitute a violation of state and federal laws. Project-related activities that occur during the breeding season could be constrained in the vicinity of any active nests. If tree removal or ground disturbance activities are scheduled to commence during the breeding season (February 1 through August 31), pre-construction bird surveys should be

conducted by a qualified biologist in order to identify possible nesting activity. A construction-free buffer of suitable dimensions must be established around any active raptor and migratory bird nests (up to 250 feet, depending on the location and species) for the duration of the project or until it has been determined that the chicks have fledged and are independent of their parents.

Riparian Set-back

The City of Morgan Hill does not currently have a mandate for providing a riparian setback; however, the project proposes to ensure a minimum 30-foot setback from the edge of Fisher Creek. Given the disturbed, channelized nature of the creek, this distance provides adequate protection for its aquatic and riparian habitats.

It should be noted that if the HCP/NCCP were made effective prior to issuance of site grading permits, the project would be subject to the provisions included therein. This would likely include a 35-foot development-free setback from riparian corridor habitat due to the fact that Fisher Creek would be considered a Category 2 stream (Chapter 6.5 (County of Santa Clara et al. 2012)).

Conclusion

In summary, future site development of the South Campoli Drive property could be constrained by the presence of special status plant and wildlife species, including tree-nesting migratory birds. Timed surveys during the blooming period for the smooth lessingia and preconstruction surveys for burrowing owls and tree nesting migratory birds should be completed to determine the extent to which these species could constrain the project design or timing of construction. Reasonable measures could be taken that would avoid impacts to these species, if they are determined to be present on the site, or lessen them to a less-than-significant level.

The project could also be constrained by the presence of Fisher Creek, but only if impacts to the bed or bank of the Creek are included in project design. In addition, should the Santa Clara Valley HCP/NCCP become effective prior to issuance of a grading permit for the project, the project could be subject to constraints from the riparian measures of the HCP/NCCP and would be subject to a development fee.

If you have any questions regarding our conclusions, please contact me at nhale@loainc.com or (408) 281-5888 at your earliest convenience.

Sincerely,

Nathan Hale, M.S. (Candidate)
Project Manager
Staff Ecologist

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APPENDIX A:
SPECIAL STATUS SPECIES

A search of published accounts for all relevant special status plant and animal species was conducted for the Morgan Hill USGS 7.5" quadrangles in which the project site occurs and for the eight surrounding quadrangles (Lick Observatory, Isabel Valley, Mt. Sizer, Gilroy, Mt. Madonna, Loma Prieta, Santa Teresa Hills, and San Jose East) using the California Natural Diversity Data Base (CNDDB) Rarefind (CDFG 2012). These species and their potential to occur in the study area are summarized in Table 1 below.

Sandy, rocky, saline, and alkaline soils are completely lacking from the site; as such, those species that are uniquely adapted to such conditions are considered absent from the site. These species include the chaparral harebell (*Campanula exigua*), Congdon's tarplant (*Centromadia parryi ssp. congdonii*), Santa Clara Valley dudleya (*Dudleya abramsii* ssp. *setchellii*), (*Eriastrum tracyi*), Mt. Hamilton coreopsis (*Leptosyne hamiltonii*), Indian Valley bush-mallow (*Malacothamnus aborigium*), Mt. Diablo cottonseed (*Micropus amphibolus*), Mt. Diablo phacelia (*Phacelia phacelioides*), hairless popcorn-flower (*Plagiobothrys glaber*), rock sanicle (*Sanicula saxatilis*), rayless ragwort (*Senecio aphanactis*), and Santa Cruz clover (*Trifolium buckwestiorum*). Other plant species occur in habitats not present in the study area (e.g., chaparral, coastal scrub, coniferous forests, etc.) and, therefore, are also considered absent from the site. These species include Santa Cruz manzanita (*Arctostaphylos andersonii*), Pajaro manzanita (*Arctostaphylos pajaroensis*), Santa Cruz Mountains pussypaws (*Calyptridium parryi var. hesseae*), chaparral harebell (*Campanula exigua*), Tiburon Indian paintbrush (*Castilleja affinis* sp. *neglecta*), Mt. Hamilton thistle (*Cirsium forntinale* var. *campylon*), San Francisco collinsia (*Collinsia multicolor*), Hospital Canyon larkspur (*Delphinium californicum* ssp. *interius*), Tracy's eriastrum (*Eriastrum tracyi*), Loma Prieta hoita (*Hoita strobilina*), legenere (*Legenere limosa*), Mt. Hamilton lomatium (*Lomatium observatorium*), arcuate bush-mallow (*Malacothamnus arcuatus*), Hall's bush-mallow (*Malacothamnus hallii*), woodland woollythreads (*Monolopia gracilens*), Santa Cruz Mountains beardtongue (*Penstemon rattanii var. kleei*), (*Pentachaeta exilis*), and Mt. Hamilton jewel-flower (*Streptanthus callistus*).

Figure A-1 (below) shows documented special status species within 3 miles of the site.

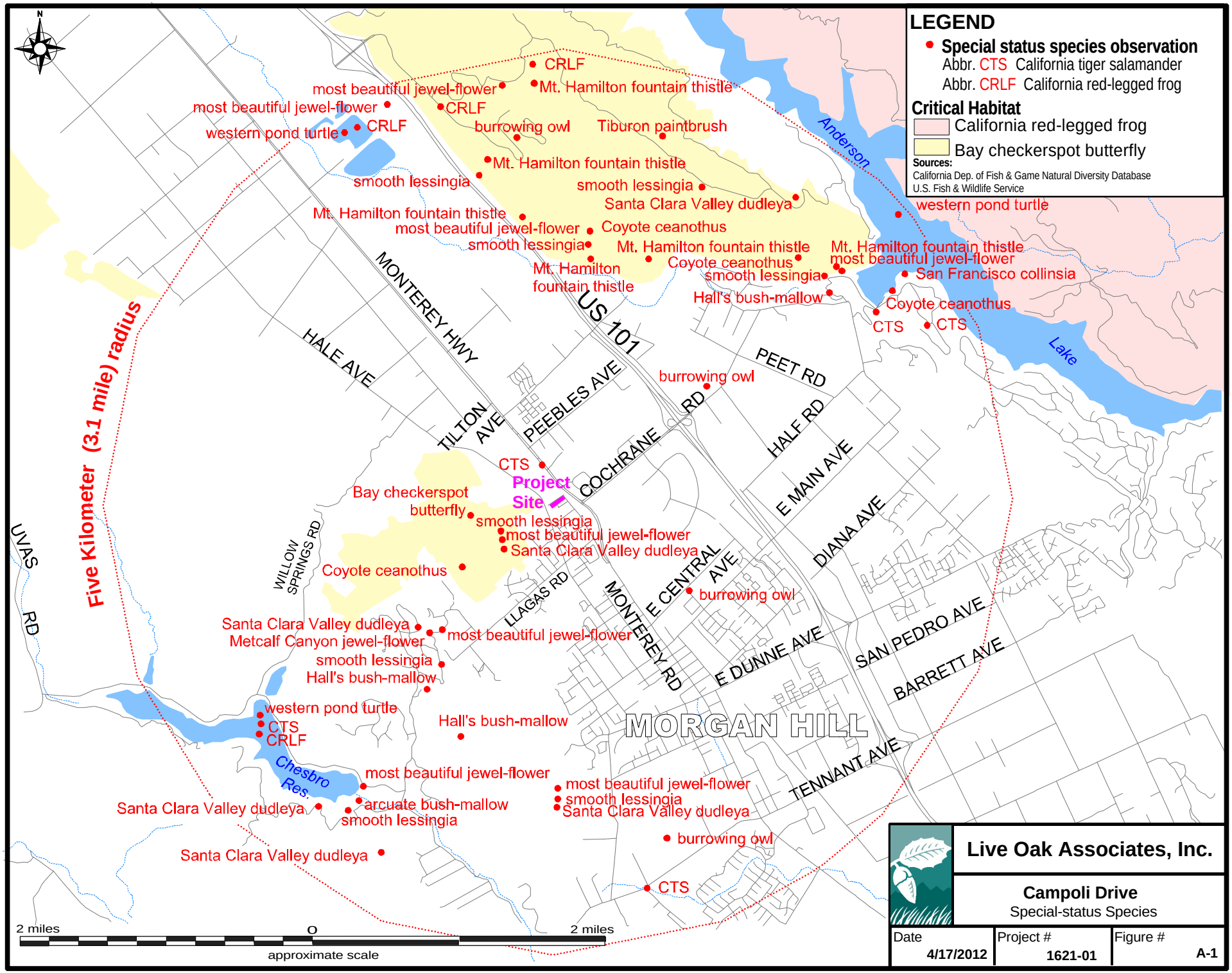
LEGEND
Special status species observation
Abbr. CTS California tiger salamander
Abbr. CRLF California red-legged frog
Critical Habitat
California red-legged frog
Bay checkerspot butterfly
Sources:
California Dep. of Fish & Game Natural Diversity Database
U.S. Fish & Wildlife Service
Five Kilometer (3.1 mile) radius
Project Site
MORGAN HILL
Anderson Lake
Chesbro Res.
MONTEREY HWY
US 101
HALE AVE
TILTON AVE
PEEBLES AVE
COCHRANE RD
PEET RD
HALF RD
E MAIN AVE
DIANA AVE
E CENTRAL AVE
BARRETT AVE
SAN PEDRO AVE
E DUNNE AVE
TENNANT AVE
MONTEREY RD
LLAGAS RD
WILLOW SPRINGS RD
UVAS RD
CRLF
most beautiful jewel-flower
Mt. Hamilton fountain thistle
burrowing owl
Tiburon paintbrush
western pond turtle
smooth lessingia
Santa Clara Valley dudleya
Coyote ceanothus
San Francisco collinsia
Hall's bush-mallow
CTS
Bay checkerspot butterfly
Santa Clara Valley dudleya
Metcalf Canyon jewel-flower
arcuate bush-mallow
2 miles
approximate scale
Live Oak Associates, Inc.
Campoli Drive
Special-status Species
Date 4/17/2012
Project # 1621-01
Figure # A-1

Table A-1: Special status species that could occur in the project vicinity.

PLANTS (adapted from CDFG 2011 and CNPS 2011)
Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Coyote Ceanothus (*Ceanothus ferrisiae*)	FE, CNPS 1B	Occurs in chaparral, coastal scrub, and valley and foothill grassland, on serpentinite, and at elevations of between 120 and 460 meters.	**Absent.** April and June 2012 surveys of the site were sufficient to conclude the absence of this shrub.
Monterey Spineflower (*Chorizanthe pungens* var. *pungens*)	FT, CNPS 1B	In sandy soils of cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland, at elevations between 3 and 450 meters.	**Absent.** No suitable habitat occurs within the study area due significant soil disturbances including discing and agriculture. Furthermore, this species is not known to occur within this portion of Santa Clara County.
Contra Costa Goldfields (*Lasthenia conjugens*)	FE, CNPS 1B	Occurs in vernal pools and mesic areas of valley and foothill grasslands, typically alkaline, at elevations between 0 and 470 meters.	**Absent.** Wet areas of the site are generally unsuitable for this species; furthermore, this species is thought to have been extirpated from the nearest documented population, which is more than 12 miles to the north.
Metcalf Canyon Jewel-flower (*Streptanthus albidus* ssp. *albidus*)	FE, CNPS 1B	Occurs in valley and foothill grassland, on serpentine soils, and at elevations of between 45 and 800 meters.	**Unlikely.** Any potentially suitable habitat within the study area has been significantly degraded due to soil disturbances including discing and agriculture. This species is documented as occurring approximately 1.5 miles to the southwest of the site.

Table A-1: Special status species that could occur in the project vicinity.

PLANTS (adapted from CDFG 2011 and CNPS 2011)
Other special status plants listed by the CDFG and CNPS

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Bent-Flowered Fiddleneck (*Amsinckia lunaris*)	CNPS 1B	Occurs in coastal bluff scrub, cismontane woodland, valley and foothill grassland, at elevations between 3 and 500 meters.	**Absent.** No suitable habitat occurs within the study area due significant soil disturbances including discing and agriculture.
Big-scale Balsamroot (*Balsamorhiza macrolepis* var. *macrolepis*)	CNPS 1B	Occurs in chaparral, cismontane woodland, valley and foothill grassland, sometimes on serpentine, at elevations between 90 and 1400 meters.	**Absent.** This species is typically found in the foothills rather than on the valley floor. Also no suitable habitat occurs within the study area due significant soil disturbances including discing and agriculture.

Table A-1: Special status species that could occur in the project vicinity.

PLANTS (adapted from CDFG 2011 and CNPS 2011)
Other special status plants listed by the CDFG and CNPS

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Round-leaved Filaree (*California macrophylla*)	CNPS 1B	Occurs in cismontane woodland and valley and foothill grassland, often on clay soils, and at elevations of between 15 to 1,200 meters.	**Absent.** No suitable habitat occurs within the study area due significant soil disturbances including discing and agriculture.
Cream Sacs (*Castilleja rubicundula* ssp. *rubicundula*)	CNPS 1B	Occurs in chaparral, cismontane woodland, meadows and seeps, and valley and foothill grassland, on serpentinite, and at elevations of between 20 and 910 meters.	**Absent.** No suitable habitat occurs within the study area due significant soil disturbances including discing and agriculture. In addition, this species does not occur within 4 miles of the site.
Fragrant Fritillary (*Fritillaria liliacea*)	CNPS 1B	Occurs in cismontane woodland, coastal prairie and scrub, and valley and foothill grassland, on serpentinite, and at elevations between 3 and 410 meters.	**Absent.** No suitable habitat occurs within the study area due significant soil disturbances including discing and agriculture. This species is not known to occur within 3 miles of the site.
Woollyhead Lessingia (*Lessingia hololeuca*)	CNPS 3	Occurs in broadleafed upland forest, coastal scrub, lower montane coniferous forest, and valley and foothill grassland, on clay and serpentine soils, and at elevations of between 15 and 305 meters.	**Absent.** No suitable habitat occurs within the study area due significant soil disturbances including discing and agriculture. This species is only known to occur in Gilroy to the south and in the Santa Cruz Mountains to the west of Los Gatos.
Smooth Lessingia (*Lessingia micradenia* var. *glabrata*)	CNPS 1B	Chaparral, cismontane woodland, and disturbed areas, often on roadsides. Occurs on serpentinite at elevations of between 120 and 420 meters.	**Possible**. Due to the fact that this species is known to occur within the serpentine hills immediately west of the site, and that the site has a portion of serpentine soils, there is reason to presume that this species could occur onsite. In addition, this species is often found within disturbed soils.
Showy Golden Madia (*Madia radiata*)	CNPS 1B	Occurs in cismontane woodland and valley and foothill grassland, at elevations of between 25 to 1,215 meters.	**Absent**. The nearest occurrence of this species is documented as occurring approximately 20 miles north of the site.
Most Beautiful Jewel-flower (*Streptanthus albidus* ssp. *peramoenus*)	CNPS 1B	Occurs in chaparral, cismontane woodland, and valley and foothill grassland, on serpentinite, and at elevations of between 94 and 1,000 meters.	**Unlikely.** While this species occurs near the site to the west, any potentially suitable habitat within the study area has been significantly degraded due to soil disturbances including discing and agriculture.

Table A-1: Special status species that could occur in the project vicinity.

PLANTS (adapted from CDFG 2011 and CNPS 2011)
Other special status plants listed by the CDFG and CNPS

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Robust Monardella (*Monardella villosa* ssp. *globosa*)	CNPS 1B	Occurs in openings in broadleafed upland forest and chaparral as well as in cismontane woodlands, coastal scrub, and valley and foothill grasslands at elevations between 100 and 915 meters.	**Absent.** No suitable habitat occurs within the study area due significant soil disturbances including discing and agriculture. In addition, this species occurs in the hills surrounding the Santa Clara Valley, not within the valley itself.

Table A-2: Special status species that could occur in the project vicinity.

ANIMALS (adapted from CDFG 2011 and USFWS 2011)
Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Bay Checkerspot Butterfly (*Euphydryas editha bayensis*)	FT	Occurs in serpentine grasslands with the larval host plant *Plantago erecta*, and/or a *Castilleja densiflora* or *C. exserta*.	**Absent.** Habitat in the form of host vegetation for this species is absent from the site. The site also lacks suitable adult nectar sources and occurs at an elevation well below all extant populations. Therefore, this site completely lacks any of the ecological requisites required to support this species.
Steelhead (*Oncorhynchus mykiss irideus*)	FT, CSC	Spawn in freshwater rivers or streams in the spring and spend the remainder of their life in the ocean.	**Absent.** No suitable habitat occurs on the site. Flows of Fisher Creek are too intermittent and warm (Leidy et al. 2005) to provide habitat for this species.
California Tiger Salamander (*Ambystoma californiense*)	FT, CT	Breeds in vernal pools and stock ponds of central California; adults aestivate in grassland habitats adjacent to the breeding sites.	**Absent.** Suitable breeding habitat is absent from the site and the surrounding area. This species would not be able to disperse to the site from known populations due to excessive distance and obstacles (development and roadways). One historical occurrence of this species has been documented near Madrone Parkway; however, this occurrence was from 1981 and is currently believed to be extirpated.
California Red-legged Frog (*Rana aurora draytonii*)	FT, CSC	Rivers, creeks and stock ponds of the Sierra foothills and coast range, preferring pools with overhanging vegetation.	**Absent.** The reach of Fisher Creek does not support suitable habitat for this species. Known populations occur more than 2.5 miles from the site. Suitable upland habitat is absent from the site due to the soil/vegetation management.

Table A-2: Special status species that could occur in the project vicinity.

ANIMALS (adapted from CDFG 2011 and USFWS 2011)
Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Least Bell's Vireo (*Vireo bellii pusillus*)	FE, CE	Summer resident of cottonwood-willow forests, oak woodlands, shrubby thickets, and dry washes with willow thickets at the edges. Breeds in southern California.	**Absent.** No suitable habitat occurs on the site.

Table A-2: Special status species that could occur in the project vicinity.

ANIMALS (adapted from CDFG 2011 and USFWS 2011)
California Species of Special Concern and Protected Species

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Foothill Yellow-legged Frog (*Rana boylii*)	CSC	Found primarily in swiftly flowing creeks.	**Absent.** Suitable habitat is completely lacking for this species.
Western Pond Turtle E*mys marmorata*	CSC	An aquatic turtle of ponds, marshes, slow-moving rivers, streams and irrigation ditches with aquatic vegetation. Needs basking sites and sandy banks or grassy open fields for egg laying.	**Absent.** Fisher Creek does not provide suitable aquatic habitat for this species, and the rest of the site is completely unsuitable for the western pond turtle. This species has not been documented as occurring within 2.5 miles of the site.
Coast Horned Lizard (*Phyrnosoma coronatum frontale*)	CSC	Found primarily in lowlands along sandy washes where scattered low shrubs provide cover.	**Absent.** No suitable habitats occur onsite for this species.
White-tailed Kite *Elanus leucurus*	CP	Open grasslands and agricultural areas throughout central California.	**Possible.** Potentially suitable breeding and foraging habitat for this species is present on the site and surrounding lands.
Golden Eagle (*Aquila chrysaetos*)	CP, CSC	Typically frequents rolling foothills, mountain areas, sage-juniper flats and desert.	**Unlikely.** No suitable breeding habitat occurs onsite for this species. Foraging habitat is of low quality; however, this species could forage over the site from time to time.
Burrowing Owl (*Athene cunicularia*)	CSC	Found in open, dry grasslands, deserts and ruderal areas. Requires suitable burrows. This species is often associated with California ground squirrels.	**Absent.** Burrows of suitable size for this species were absent from the site due to discing. The closest documented occurrences of this species are from Cochrane Road, 1.3 miles to the east of the site, and from El Toro Elementary, 1.2 miles to the south. Both of these populations are thought to be extirpated. LOA has conducted annual breeding season surveys for burrowing owls in Morgan Hill for nine years with negative results.

Table A-2: Special status species that could occur in the project vicinity.

ANIMALS (adapted from CDFG 2011 and USFWS 2011)
California Species of Special Concern and Protected Species

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Black Swift (*Cypseloides niger*)	CSC	Migrants and transients found throughout many habitats of state. Breeds on steep cliffs or ocean bluffs, or in cracks and crevasses of inland deep canyons.	**Unlikely.** This species may forage on the site or pass over during migration. However, breeding habitat is absent from the site.
Vaux's Swift (*Chaetura vauxi*)	CSC	Migrants and transients move through the foothills of the western Sierra in spring and late summer. Breeds in coniferous forests.	**Unlikely.** This species may forage on the site or pass over during migration. However, breeding habitat is absent from the site.
Tricolored Blackbird (*Agelaius tricolor*)	CSC	Breeds near fresh water in dense emergent vegetation. Forages in grassland and cropland habitats.	**Absent.** Dense emergent vegetation is absent from Fisher creek occurring on the site.
Pallid Bat (*Antrozous pallidus*)	CSC	Grasslands, chaparral, woodlands, and forests of California; most common in dry rocky open areas providing roosting opportunities.	**Possible.** Foraging habitat is present on the site. However, roosting habitat is absent.
San Francisco Dusky-footed Woodrat (*Neotoma fuscipes annectens*)	CSC	Hardwood forests, oak riparian and shrub habitats.	**Absent.** Suitable riparian habitat is absent from the site.
American Badger (*Taxidea taxus*)	CSC	Found in drier open stages of most shrub, forest and herbaceous habitats with friable soils.	**Absent.** Suitable burrows were completely lacking from this site, indicating that they do not occur onsite. Also, habitat of the site was very marginal, at best, for this species. There is some chance that this species may pass through the site en route to suitable habitat in the future.
Ringtail (*Bassariscus astutus*)	CP	Riparian and heavily wooded habitats near water.	**Absent.** Suitable habitat is absent for the ringtail.

***Explanation of Occurrence Designations and Status Codes**

Present: Species observed on the sites at time of field surveys or during recent past.
Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.
Possible: Species not observed on the sites, but it could occur there from time to time.
Unlikely: Species not observed on the sites, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed on the sites, and precluded from occurring there because habitat requirements not met.

STATUS CODES

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CR	California Rare
FC	Federal Candidate	CP	California Protected
		CSC	California Species of Special Concern

CRPR	California Rare Plant Rank		
1A	Plants Presumed Extinct in California	3	Plants about which we need more information – a review list
1B	Plants Rare, Threatened, or Endangered in		

	California and elsewhere	4	Plants of limited distribution – a watch list
2	Plants Rare, Threatened, or Endangered in California, but more common elsewhere		

APPENDIX B:
SIGNIFICANCE CRITERIA AND RELEVANT GOALS, POLICIES, AND LAWS

Significance Criteria

Approval of general plans, area plans, and specific projects is subject to the provisions of the California Environmental Quality Act (CEQA). The purpose of CEQA is to assess the significance of a proposed project's impacts on the environment before they are carried out. Whenever possible, public agencies are required to avoid or minimize environmental impacts by implementing practical alternatives or mitigation measures.

According to Section 15382 of the CEQA Guidelines, a significant effect on the environment means a "substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic interest."

Specific project impacts to biological resources may be considered "significant" if they would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Furthermore, CEQA Guidelines Section 15065(a) states that a project may trigger the requirement to make a "mandatory findings of significance" if the project has the potential to "substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an

endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory."

Relevant Goals, Policies, and Laws

Threatened and Endangered Species

State and federal "endangered species" legislation has provided the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFG and USFWS if activities associated with a proposed project will result in the "take" of a listed species. "Take" is defined by the state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFG and the USFWS are responding agencies under the California Environmental Quality Act (CEQA). Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds

Most birds are also protected by state and federal law. The Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey

Birds of prey are also protected in California under provisions of the State Fish and Game Code, Section 3503.5, 1992), which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFG.

Wetlands and Other Jurisdictional Waters

Natural drainage channels and adjacent wetlands may be considered "Waters of the United States" (hereafter referred to as "jurisdictional waters") subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts. Jurisdictional waters generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

- All interstate waters including interstate wetlands:
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce;
- All impoundments of waters otherwise defined as waters of the United States under the definition;
- Tributaries of waters identified in paragraphs (a)(1)-(4) (i.e. the bulleted items above).

As recently determined by the United States Supreme Court in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* (the SWANCC decision), channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. However, the U.S Supreme Court decisions *Rapanos v. United States* and *Carabell v. U.S. Army Corps of Engineers* (referred together as the Rapanos decision) impose a "significant nexus" test for federal jurisdiction over wetlands. In June 2007, the USACE and Environmental Protection Agency (EPA) established guidelines for applying the significant nexus standard. This standard includes 1) a case-by-case analysis of the flow characteristics and functions of the tributary or wetland to determine if they significantly affect the chemical, physical, and biological integrity of downstream navigable waters and 2) consideration of hydrologic and ecologic factors (EPA and USACE 2007).

The USACE regulates the filling or grading of such waters under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by “ordinary high water marks” on opposing channel banks. Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated. The resulting anaerobic conditions select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils saturated intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 Corps of Engineers Wetlands Delineation Manual (USACE 1987).

All activities that involve the discharge of fill into jurisdictional waters are subject to the permit requirements of the USACE (Wetland Training Institute, Inc. 1991). Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a certification (or waiver of such certification) that the proposed activity will meet state water quality standards. The filling of isolated wetlands, over which the USACE has disclaimed jurisdiction under the SWANCC decision, is regulated by the RWQCB. It is unlawful to fill isolated wetlands without filing a Notice of Intent with the RWQCB. The RWQCB is also responsible for enforcing National Pollution Discharge Elimination System (NPDES) permits, including the General Construction Activity Storm Water Permit. All projects requiring federal money must also comply with Executive Order 11990 (Protection of Wetlands).

The California Department of Fish and Game has jurisdiction over the bed and bank of natural drainages according to provisions of Section 1601 and 1602 of the California Fish and Game Code (2011). Activities that would disturb these drainages are regulated by the CDFG via a

Streambed Alteration Agreement. Such an agreement typically stipulates that certain measures will be implemented that protect the habitat values of the drainage in question.

holman & ASSOCIATES
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"SINCE THE BEGINNING"
3615 FOLSOM ST. SAN FRANCISCO, CALIFORNIA 94110 415/550-7286

Julie Wright
David J. Powers & Associates
1871 The Alameda
San Jose, CA 95126

July 24, 2012

Dear Ms. Wright:

RE: CULTURAL RESOURCES STUDY OF THE CAMPOLI RESIDENTIAL PROJECT AREAS, MORGAN HILL, SANTA CLARA COUNTY, CALIFORNIA

At your request I have completed an archaeological field inspection and a new archaeological literature review for the above referenced project area in Morgan Hill, Santa Clara County, California. No evidence of historic or prehistoric archaeological resources was discovered during my inspection. The following is a summary of information gained to date.

PROJECT DESCRIPTION

The proposed project area consists of a total of 4 lots located between Madrone Road on the northwest, Sanchez Drive on the southeast, and Hale Avenue on the west. Located on the Morgan Hill U.S.G.S. map, the parcels are comprised of a single rectangular shaped parcel (parcel 10) of 2.36 acres bordering Madrone Road, and three separate parcels which border parcel 10 on its northwestern side; each of these adjacent parcels are approximately 0.6 acres in size, containing structures (not evaluated for this report) and/or the remnants of orchards and other signs of agricultural use.

ARCHAEOLOGICAL LITERATURE REVIEW

An updated archaeological literature review was done by this author at the Northwest Information Center (NWIC) located in Rohnert Park on March 9, 2012 (NWIC file no. 11-0994). In the past 11 years, no new archaeological materials have been found inside and/or near the current project areas. In 2001 this author prepared a report for Powers & Associates for the adjacent 30 acre parcel then known as the Roman Catholic Diocese High School project. No archaeological materials were found at that time, and no traces of an historic site recorded in the 1990s north of the High School site were found inside the parcel.

CAMPOLI COX CULTURAL RESOURCE STUDY

DESCRIPTION OF FIELD INSPECTION

A visual inspection of the 4 lots was conducted by this author on March 22, 2012 by walking 30 foot transects over the open portions of the property. The Campoli Residences parcel, made up of the single 2.36 acre piece, consist of mostly open field, with a house in the center; at the time of the survey the open space was covered by a dense covering of high grasses and weeds, restricting a visual inspection of the ground surface to less than 20% of the ground. The property also contains the remnants of a walnut orchard.

Where visible the soils consist of a silty clay loam similar to the adjacent High School site, containing scant amounts of water worn small gravels. No evidence of either historic or prehistoric archaeological deposits was seen.

The adjacent three contiguous parcels, known also as the Campoli Cox parcel, contains walled in field on the west and north. The soils visible consist of the same silty clay loam, much of which was obscured either by dense grasses or numerous piles of dumped fill material. Farm equipment and several small sheds are seen inside the parcels, along with the remnants of the walnut orchard seen on the adjacent parcel.

FINDING/RECOMMENDATIONS

In summary, no evidence of either historic and/or prehistoric archaeological deposits was seen anywhere inside the project area. It is the opinion of this author that future development will have no effect on cultural resources. This report makes no further recommendations for mechanical subsurface presence/absence testing and does not recommend archaeological monitoring during construction related grading and/or trenching.

Sincerely,

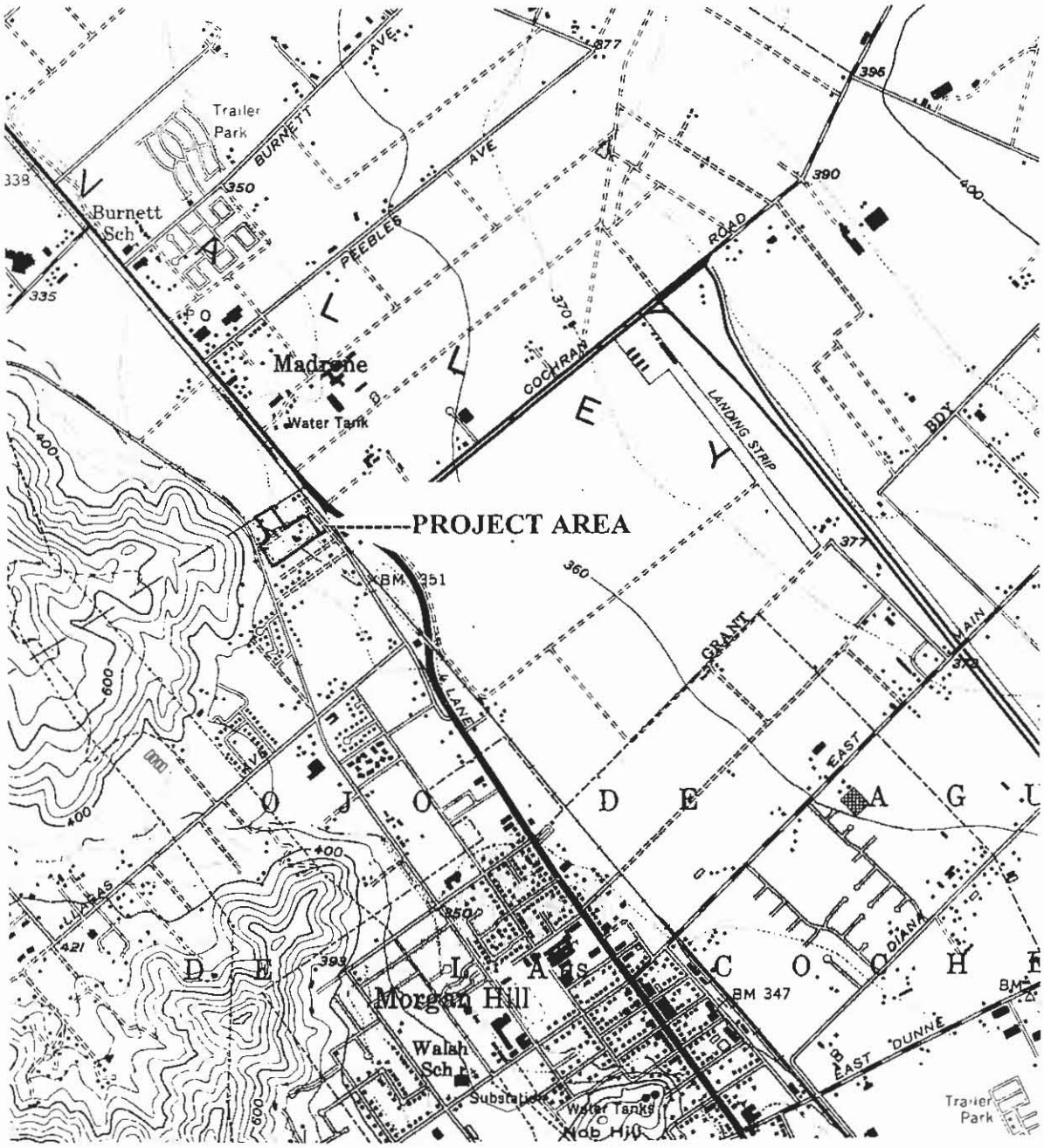
Miley Paul Holman
Holman & Associates

REFERENCES

Holman, Miley
2001 Cultural resources study of the Roman Catholic Diocese of San Jose High School site, Morgan Hill, Santa Clara County, California. On file, Holman & Associates.

CAMPOLI RESIDENTIAL PROJECTS

MORGAN HILL, SANTA CLARA COUNTY, CALIFORIA
MORGAN HILL U.S.G.S. MAP



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Environmental • Hydro • Geology

ASSESSMENTS MADE SIMPLE

PHASE I ENVIRONMENTAL SITE ASSESSMENT

CAMPOLI DRIVE PROPERTIES
120 CAMPOLI DRIVE
MORGAN HILL, CALIFORNIA 95037

Project Number 2012-05-019

PHASE I ENVIRONMENTAL SITE ASSESSMENT
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– Questionnaires – Additional Documents

Warren Cox
2991 Salem Drive
Santa Clara, CA 95051
Warrencox66@hotmail.com

Subject: Phase I Environmental Site Assessment For
120 Campoli Drive Properties
Morgan Hill, CA 95037

Mr. Cox:

As you requested , we have prepared a Phase I Environmental Site Assessment (Phase I) for the properties located at 120 Campoli Dr., Morgan Hill, CA 95037. The properties are identified by their APNs as 76424010, 76424038, 76424039, 76424040, 76424041, and 76424042. This report was produced in accordance with the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM 1527-05) and is compliant with the All Appropriate Inquiries (AAI) rule.

1. EXECUTIVE SUMMARY

A Phase I Environmental Site Assessment has been conducted for the subject properties, the Opinion, Conclusions and Recommendations are provided below.

The subject properties consist of seven parcels and are located at 120 Campoli Dr., Morgan Hill, CA 95037. The properties are identified by their APNs as 76424010, 76424038, 76424039, 76424040, 76424041, and 76424042. The subject property was not listed in the Environmental Records Sources searched.

Based on the aerial photos, topographic maps, and city directory listings of the sites, the subject properties appear to have had a structure on them since prior to 1948 and were possibly part of a dairy farm through the early 1980s. First use was not identified as the sites were vacant land with one containing a one-story rural residence in the oldest located aerial photograph.

The site visit indicated no recognized environmental conditions, however a significant amount of solid waste debris was observed throughout the subject properties.

The surrounding properties were also searched and the results are provided below:

EDR reports two (2) RCRA-SQG cases within the search parameters of the subject property.
EDR reports three (3) ENVIROSTOR case within the search parameters of the subject property.
EDR reports two (2) SLIC cases within the search parameters of the subject property.
EDR reports one (1) CA FID UST case within the search parameters of the subject property.
EDR reports one (1) HIST UST case within the search parameters of the subject property.
EDR reports one (1) SWEEPS UST case within the search parameters of the subject property.
EDR reports one (1) RCRA-NonGen case within the search parameters of the subject property.
EDR reports one (1) HIST CORTESE case within the search parameters of the subject property.
EDR reports one HWP case withing the search parameters of the subject property.

Based on the information reviewed, no impact to the subject property is anticipated at this time from these sites.

The Orphan Site List was reviewed. No new sites are listed on the Orphan List and are within the search radius of the subject properties.

The subject properties consist of mostly of vacant land with the exception of the southernmost parcel which contains a one-story rural residence and the northeasternmost parcel which contains two small outbuildings. The southernmost parcel was developed with a rural residence prior to 1948 and is believed to have been part of a dairy farm until the early 1980s. The structure on that parcel currently remains a rural residence. No recognized environmental conditions have been identified based on the historical use of the property.

The site visit identified no significant observable contaminated areas.

Based on the data located in the EDR reports, the State Records, and the Local oversite records, no impacts to the subject property are anticipated at this time from the listed cases in the EDR Database.

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-05 for the properties located at 120 Campoli Dr., Morgan Hill, CA 95037. The properties are identified by its APNs as 76424010, 76424038, 76424039, 76424040, 76424041, and 76424042. Any exceptions to, or deletions from, this practice are described in the Limitations Section of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject properties, however a maintenance plan should be developed and put in place to mitigate the issue of the significant amount of solid waste debris found throughout the properties.

Based on this Phase One Environmental Assessment, no additional environmental assessment is required.

2. INTRODUCTION

Purpose

The purpose of this Phase I Environmental Site Assessment is to identify to the extent feasible recognized environmental conditions (REC) in connection with the properties. Following the processes prescribed by the AAI rule and in ASTM Standard E1527-05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. As defined by ASTM E1527-05, §1.1.1, the term "recognized environmental conditions" refers to:

> *The presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions.*

Detailed Scope-of-Service

The scope of work performed for this Phase I Environmental report includes:

- Collecting and reviewing available environmental related information concerning the properties and other data pertinent to the specific site per the ASTM Standard 1527;
- Conducting a site visit to observe current site uses, observe adjacent land use, and gather data on possible spills, or misuse of chemicals that could be considered a REC;
- Contacting appropriate regulatory personnel, and reviewing regulatory files regarding the property in question.

No additional non-scope considerations per Section 13 of the ASTM 1527-05 were included in this Phase I Report.

Significant Assumptions

No significant assumptions were made in this assessment.

Limitations and Exceptions

Limitations

This report is applicable only for the project and site studied. Report findings and statements of professional opinion do not constitute a guarantee or warranty, expressed or implied. This report contains information and data provided by others and Enviro Assessment, P.C. dba Enviro Assess (Enviro Assess) in no way warrants the accuracy or completeness of the information provided by those sources. Our services are performed in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. This report is prepared using the ASTM Standard

E1527-05 and includes several inherent limitations, including but not limited to: Section 4.5.1 – Uncertainty Not Eliminated, Section 4.5.2 - Not Exhaustive, Section 7.4 - No Sampling, and Section 7.5.2.1 – Reliance.

Exceptions

No exceptions to or deviations from the ASTM standard 1527-05 were made during the course of our work except for the following:

- No interviews were conducted with local agencies as part of this assessment. Relevant local agencies for the area have policies of referring requests for interviews to their file review departments.

These limitations are not anticipated to represent a significant data gap for the investigation.

Special Terms and Conditions

We have been authorized by Warren Cox to perform a Phase I environmental site assessment of the subject properties. It is our understanding that Mr. Cox will use the information contained in this report for due diligence purposes. Without prior written consent of the client, Enviro Assess will keep confidential and not disclose to any person or entity, and data or information provided by the client or generated in conjunction with the performance of this study, except when required by law. Provisions of confidentiality shall not apply to data or information obtained from the public domain or acquired from third parties not under obligation to the client to maintain confidentiality.

User Reliance

This report was prepared for the exclusive use of Warren Cox. No other person or entity is entitled to rely upon this report without the specific written authorization of Enviro Assess. Such reliance is subject to the same limitations, terms, and conditions as the original contract with the client. Enviro Assess specifically disclaims any responsibility for any unauthorized use of this report. Based on the ASTM standard this Phase I report is reliable for 180 days from the date the work was conducted.

3. SITE DESCRIPTION

Location and Legal Description

The subject properties are located at 120 Campoli Dr., Morgan Hill, CA 95037. The properties are identified by their APNs as 76424010, 76424038, 76424039, 76424040, 76424041, and 76424042. A Site Vicinity Map and Location Map are located on Plates A1 and A2.

Site and Vicinity General Characteristics

The subject properties lie in the northwestern portion of the city of Morgan Hill in Northern California. The area is located in a mostly residential area, with some commercial properties to the east and a large industrial site to the north.

Description of Improvements on Properties

The subject properties consist of a one-story residence with a garage, wooden fenced-in back yard, and an associated gravel drive and parking area on the southern parcel, with two small outbuildings on one of the northern parcels.

Current Uses of the Adjoining Properties

The adjoining properties consist of residential properties to the south, vacant undeveloped land/ agricultural land to the west, and industrial/ commercial properties to the north.

4. USER PROVIDED INFORMATION

Title Records

Chain of title reports were not provided by the client for use in preparing this report. A Preliminary Title Report was reviewed for pertinent title records and/or judicial records.

Environmental Liens or Activity and Use Limitations

No additional information was provided identifying actual knowledge of environmental liens or activity and use limitations recorded against the subject properties. Included in the records review section is a search of state deed restrictions, liens, and use limitations.

Specialized Knowledge

No information was provided identifying specialized knowledge or experience that is material to recognized environmental conditions in connection with the subject properties.

Commonly Known or Reasonably Ascertainable Information

No information was provided identifying knowledge of commonly known or reasonably ascertainable information related to the subject properties.

Valuation Reduction for Environmental Issues

No information was provided identifying knowledge of valuation reduction of the subject properties.

Owner, Property Manager, and Occupant Information

Information provided by the owner of the subject properties is discussed in Section 7 of this report.

Reason for Performing Phase I

The Phase I has been requested by the client for due diligence purposes.

Other

No other information was provided for review related to the subject properties.

5. RECORDS REVIEW

Standard and Additional Standard and Additional Environmental

The Environmental Records used for this Phase One Environmental were obtained through Environmental Data Resources, Inc. (EDR®) of Milford, Connecticut. The search radius used for each of the records is listed below and is based on the ASTM Standard E 1527-05 Sections 8.2.1 and 8.2.2. The date of each of the government records searched and the date EDR® obtained the records are listed in the EDR® Report (attached). In addition to the search results, lists of sites which may be located within the search area but due to lack of information can not be accurately located are provided (orphan sites). This orphan site list is reviewed, and all sites which may be included in the search radius have been included in this report.

FEDERAL RECORDS

Search Distance	Database	Search Distance	Database
1.0	NPL	1.0	DOD
1.0	Proposed NPL	1.0	FUDS
1.0	Delisted NPL	0.5	LUCIS
Target Property	LIENS	1.0	CONSENT
0.5	CERCLIS	1.0	ROD
0.5	CERC-NFRAP	0.5	UMTRA
Target Property	LIENS 2	0.5	ODI
1.0	CORRACTS	0.5	DEBRIS REGION 9
0.5	RCRA-TSDF	0.25	MINES
0.25	RCRA-LQG	Target Property	TRIS
0.25	RCRA-SQG	Target Property	TSCA
0.25	RCRA-CESQG	Target Property	FTTS
0.25	RCRA-NonGen	Target Property	HIST FTTS
0.5	USENG CONTROLS	Target Property	SSTS
0.5	US INST CONTROL	Target Property	ICIS
Target Property	ERNS	Target Property	PADS
Target Property	HMIRS	Target Property	MLTS
Target Property	DOT OPS	Target Property	RADINFO
Target Property	US CDL	Target Property	FINDS
0.5	US BROWNFIELDS	Target Property	RAATS

STATE RECORDS

Search Distance	Database	Search Distance	Database
1.0	HIST Cal-Sites	0.250	HIST UST
1.0	CABOND EXP PLAN	0.250	AST
0.25	SCH	TP	LIENS
1.0	Toxic Pits	0.25	SWEEPS UST
0.5	SWF/LF	TP	CHMIRS
TP	CA WDS	1.0	Notify 65
0.5	WMUDS/SWAT	0.5	DEED
0.5	Cortese	0.5	VCP
0.5	SWRCY	0.25	DRYCLEANERS
0.5	LUST	0.25	WIP
0.25	CA FID UST	TP	CDL
0.5	SLIC	1.0	RESPONSE
0.25	UST	TP	HAZNET
		TP	EMI
		TP	HAULERS
		1.0	ENVIROSTOR

TRIBAL RECORDS

Search Distance	Database	Search Distance	Database
1.0	INDIAN RESERVE	0.25	INDIAN UST
0.5	INDIAN ODI	0.5	INDIAN VCP
0.5	INDIAN LUST		

For the full name, description, and the date each of the databases were last updated, please refer to the Government Records section of the EDR® Report.

Database Results

The subject property consists of four parcels. The address is 120 Campoli Dr., Morgan Hill, CA 95037. The properties are identified by their APNs as 76424010, 76424038, 76424039, 76424040, 76424041, and 76424042. The subject properties were not listed in the Environmental Records Sources searched.

The surrounding properties were also searched and the results are provided below:

Surrounding Properties

i. Federal List Sites

EDR reports two (2) RCRA-SQG cases within the search parameters of the subject property.

Site Name	Distance/ Direction	Comments
DEPRESSURIZED TECHNOLOGIES INT	1/8 – ¼ mi. NE	Small Small Quantity Generator. This site received three minor violations between 1999 and 2003. According to information obtained from Envirostor, this facility appears to be closed and non-operational.
WALMART SUPERCENTER NO 5766	1/8 – ¼ mi. E	Small Small Quantity Generator. No violations found.

ii. State List Sites

EDR reports three (3) ENVIROSTOR case within the search parameters of the subject property.

Site Name	Distance/ Direction	Comments
ALIEN TECHNOLOGY	¼ – ½ mi. E	Inactive- Needs Evaluation. No further information found.
MADRONE LAND CORPORATION	¼ – ½ mi. ENE	Open- Inactive as of 8/9/1995. No cleanup actions exist for this site, however there is a Deed Restriction/ Land Use Restriction/ Covenant in place as of 2001.
PHOTOTEK	½ – 1 mi. ENE	Inactive- Needs Evaluation. No further information found.

EDR reports two (2) SLIC cases within the search parameters of the subject property.

Site Name	Distance/ Direction	Comments
MADRONE LAND CORPORATION	¼ – ½ mi. ENE	This site was previously discussed in this report under the ENVIROSTOR cases section.
MADRONE LAND CORPORATION	¼ – ½ mi. ENE	This is a duplicate listing of the site discussed above.

EDR reports one (1) CA FID UST case within the search parameters of the subject property.

Site Name	Distance/ Direction	Comments
M.M. GOMES & SON	1/8 – ¼ mi. NNW	This site is listed as a Agriculture/Dairy Farm and as having one (1) 350 gal. Gasoline UST onsite.

EDR reports one (1) HIST UST case within the search parameters of the subject property.

Site Name	Distance/ Direction	Comments
M.M. GOMES & SON	1/8 – ¼ mi. NNW	This site is discussed above in the CA FID UST case section.

EDR reports one (1) SWEEPS UST case within the search parameters of the subject property.

Site Name	Distance/ Direction	Comments
M.M. GOMES & SON	1/8 – ¼ mi. NNW	This site is discussed above in the CA FID UST case section.

EDR reports one (1) RCRA-NonGen case within the search parameters of the subject property.

Site Name	Distance/ Direction	Comments
ARCO FACILITY NO 6548	1/8 – ¼ mi. ESE	Handler- Does not presently generate hazardous waste.

EDR reports one (1) HIST CORTESE case within the search parameters of the subject property.

Site Name	Distance/ Direction	Comments
MADRONE LAND CORPORATION	¼ – ½ mi. ENE	This site is discussed above in the ENVIROSTOR cases section.

EDR reports one HWP case withing the search parameters of the subject property.

Site Name	Distance/ Direction	Comments
DEPRESSURIZED TECHNOLOGIES INT	1/8 - 1/4 mi. NE	This site is discussed above in the RCRA-SQG cases section of this report.

Orphan Properties

The Orphan Site List was reviewed. No new sites are listed on the Orphan List and are within the search radius of the subject properties.

Physical Setting Sources

According to the most recent USGS Topographic maps covering the subject property and vicinity, the subject property is relatively flat and lies at approximately 354 feet above mean sea-level.

Historical Use Information on the Properties and Adjoining Properties

Aerial Photographs

Aerial photographs of the subject properties were reviewed as part of this investigation:

Date	Photo Description
1948	The subject properties to the north appear to be vacant land with some trees, while a residence appears on the southernmost property. The railway and Monterey Road can be seen to the northwest of the properties. The surrounding area consists of vacant grassland and farmland, some with rural residences.
1953	The subject properties and surrounding properties appear unchanged.
1968	What appears to be a trailer can be seen in the northernmost corner of the properties and a structure can be seen just south of the residence on the southernmost property. Several rural residences have also been developed on the surrounding properties to the south and west.
1974	Poor quality photo. No site features are visible, however more properties have been developed further to the north and east.
1981	The subject properties appear similar to the 1968 photo, except the structure just south of the residence has been removed. Residential subdivisions have been developed on properties to the south.
1998	The subject properties appear unchanged with the exception of some vegetation

Date	Photo Description
	growth. More properties to the northeast and south have been developed.
2003	Poor quality photo. The subject property appears unchanged, while the properties to the northeast have been developed with more commercial/industrial structures and the properties to the south have been further developed with more residential subdivisions.
2011	The subject property and surrounding area appears as it is today.

These photos are included in Appendix.

Historical Topographic Maps

Topographic maps of the subject properties were reviewed as part of this investigation:

Date	Map Description
1955	Small scale map. No site features are visible, only roads and natural features are shown.
1980	Small scale map. Structures are visible on the subject properties, as well as roads, structures on other properties, and natural features.

These maps are included in Appendix.

Sanborn Maps

An attempt was made by EDR to obtain Sanborn Insurance Company maps for the period covering the years 1860 through the present in order to determine what types of activities were conducted on the subject properties and on adjoining properties. No Sanborn maps were found for the subject properties.

City Directories

A search of local historical city directories was conducted by EDR for the subject properties. The review included directories in five year intervals from 1970 to 2004 (as available).

Date	Listing Description
1990	HORAN Wesley
1984	HORAN Wesley
1981	HORAN WESLEY LIVE OAK MILK CO
1975	HORAN WESLEY LIVE OAK MILK CO

No other listings were found for the subject property, however please refer to the EDR City Directory Report for the numerous listings for the surrounding properties for more details.

6. SITE RECONNAISSANCE

A visual reconnaissance of the subject properties was conducted on June 6, 2012 by Mr. Mitchell. A site map and photographs of the subject properties are attached to this report in Appendix.

Methodology and Limiting Conditions

The periphery of the subject properties was inspected. A detailed inspection was conducted of all major site features visible from the public portions of the properties.

Exterior and Interior Observations

Observations made during the site visit are summarized in the following table:

Subject Property	Site Visit Observations
Current Use of Properties	The subject properties are currently mostly vacant land with a rural residence and outbuildings, as well as stored vehicles, equipment, and materials.
Evidence of Past Uses of Properties?	None observed.
Potable Water Source	Private Well.
Sewage Disposal Source	Private Septic.
Odors?	None detected.
Pools of Liquid?	No pools of liquid were observed.
Electric or hydraulic equipment likely to contain PCBs?	None observed.
Storage tanks?	None observed.
Drums or other containers?	A drum and numerous buckets were observed on the northern properties, all of which were empty and showed no signs of contamination.
Exterior Observations	
Pits, Ponds, Lagoons?	None observed.
Stained soil or pavement?	None observed.
Solid waste?	Solid waste was observed throughout the property and should be properly disposed of prior to further development.
Waste water discharge?	None observed.
Wells or septic systems?	None observed.
Vicinity Observations	
Topography of properties and vicinity	Relatively flat.
Current use of adjoining properties	The surrounding properties are residential.
Evidence of past uses?	No previous use was observed.
Current land uses in area	Commercial, industrial. and residential.

7. INTERVIEWS

An attempt has been made to obtain historical as well as current information relative to the subject properties from several individuals and local agencies. The objective of the interview

process is to obtain any information indicating recognized environmental conditions in connection with the project site.

Interview with Owner or Site Manager

An Environmental Questionnaire and Disclosure Statement was sent to Warren Cox, on March 12, 2012 by email. A completed questionnaire was received and reviewed. No environmental Conditions were noted in the response.

Interview with Local Government Officials

Santa Clara County-Integrated Waste Management Division

The Santa Clara County-Integrated Waste Management Division was contacted on May 30, 2012 by email as part of the records review of the subject property. We asked for any records pertaining to underground or above ground storage tanks and any hazardous waste spills on the property. As of the date of this response no reply has been received.

Morgan Hill- City Clerk

The Morgan Hill City Clerk was contacted on May 30, 2012 by email as part of the records review of the property. We asked for any records pertaining to under or above ground storage tanks, any hazardous waste spills, fire code violations/date of last inspection, fire department emergency responses/reports, and a list of building permits and the dates issued. The building department responded on June 4, 2012 by email, with a list of permits for the subject property. There were various plumbing, electrical, and building permits issued. No environmental concerns were noted in any of the records we received from the building department.

Geotracker / EnviroStor Database Review

The GEOTRACKER database and the ENVIROSTOR database were reviewed on May 30, 2012 for any additional information available in regards to the subject property. No additional information was found.

Interview with Others

No additional interviews were conducted in this assessment.

8. FINDINGS

The subject properties consist of seven parcels and are located at 120 Campoli Dr., Morgan Hill, CA 95037. The properties are identified by their APNs as 76424010, 76424038, 76424039, 76424040, 76424041, and 76424042. The subject property was not listed in the Environmental Records Sources searched.

Based on the aerial photos, topographic maps, and city directory listings of the sites, the subject properties appear to have had a structure on them since prior to 1948 and were possibly part of a dairy farm through the early 1980s. First use was not identified as the sites were vacant land with one containing a one-story rural residence in the oldest located aerial photograph.

The site visit indicated no recognized environmental conditions, however a significant amount of solid waste debris was observed throughout the subject properties.

The surrounding properties were also searched and the results are provided below:

Federal List Sites

EDR reports two (2) RCRA-SQG cases within the search parameters of the subject property.

State List Sites

EDR reports three (3) ENVIROSTOR case within the search parameters of the subject property.

EDR reports two (2) SLIC cases within the search parameters of the subject property.

EDR reports one (1) CA FID UST case within the search parameters of the subject property.

EDR reports one (1) HIST UST case within the search parameters of the subject property.

EDR reports one (1) SWEEPS UST case within the search parameters of the subject property.

EDR reports one (1) RCRA-NonGen case within the search parameters of the subject property.

EDR reports one (1) HIST CORTESE case within the search parameters of the subject property.

EDR reports one HWP case withing the search parameters of the subject property.

Based on the information reviewed, no impact to the subject property is anticipated at this time from these sites.

The Orphan Site List was reviewed. No new sites are listed on the Orphan List and are within the search radius of the subject properties.

9. OPINION

The subject properties consist of mostly of vacant land with the exception of the southernmost parcel which contains a one-story rural residence and the northeasternmost parcel which contains two small outbuildings. The southernmost parcel was developed with a rural residence prior to 1948 and is believed to have been part of a dairy farm until the early 1980s. The structure on that parcel currently remains a rural residence. No recognized environmental conditions have been identified based on the historical use of the property.

The site visit identified no significant observable contaminated areas.

Based on the data located in the EDR reports, the State Records, and the Local oversite records, no impacts to the subject property are anticipated at this time from the listed cases in the EDR Database.

10. CONCLUSIONS AND RECOMMENDATIONS

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-05 for the properties located at 120 Campoli Dr., Morgan Hill, CA 95037. The properties are identified by its APNs as 76424010, 76424038, 76424039, 76424040, 76424041, and 76424042. Any exceptions to, or deletions from, this practice are described in the Limitations Section of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject properties, however a maintenance plan should be developed and put in place to mitigate the issue of the significant amount of solid waste debris found throughout the properties.

Based on this Phase One Environmental Assessment, no additional environmental assessment is required.

11. DEVIATIONS

No deviations from ASTM Standard 1527-05 have been noted during the course of this assessment.

12. ADDITIONAL SERVICES

No additional services as listed in the ASTM Standard 1527-05 have been requested in writing and placed under contract in regards to this assessment.

13. REFERENCES

Environmental Data Resources, Inc (EDR) Report

ASTM Standard E1527-05 – Phase I Standard

U.S. Geological Survey Topographic Maps

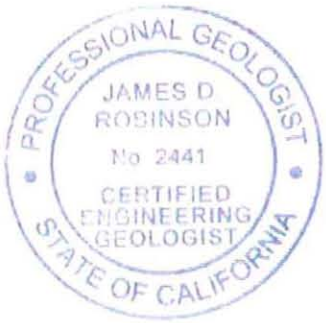
14. PROFESSIONAL SIGNATURE

We declare that to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR 312.

It has been a pleasure to be of service. If any questions arise, please contact our office.

Sincerely,

ENVIRO ASSESS



James D. Robinson
JAMES D ROBINSON
PE-C69045, CEG 2441

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

Memo

To: **Julie Wright**
David J. Powers & Associates, Inc.

Date: **May 3, 2012**

From: **Jordan L. Roberts**

Subject: **North Campoli Drive Residential Project in Morgan Hill, CA - Noise and Vibration Assessment**

Two residential projects are proposed in Morgan Hill that would be adjacent to Old Monterey Road and near the Union Pacific Railroad line (UPRR) that serves CalTrain. The North Campoli Drive Project proposes 10 single-family homes and the South Campoli Drive Project proposes 11 single-family homes. A noise and vibration analysis was conducted previously for the Madrone Villages Project at the adjacent Hale-Signature project site. The purpose of this memo is to describe that analysis and apply those results to the North Campoli Drive Residential project.

Results from Hale Signature Project Assessment

The Hale-Signature Project noise and vibration assessment evaluated the project's potential to result in significant impacts with respect to applicable CEQA guidelines. Two long-term measurements established ambient noise levels attributable to nearby sources. LT-1 was located at the setback of existing and proposed residences, 85 feet from the centerline of the Union Pacific Railroad (UPRR) and about 195 feet from the centerline of Monterey Highway. Noise levels measured at this site were primarily the result of railroad train passbys, yielding an Ldn that ranged from 70 to 72 dBA. LT-1 represents the noise environment at residences on easternmost portions of the Hale Signature Project site. Site LT-2 was approximately 45 feet from the center of Hale Avenue/Santa Teresa Boulevard, and was selected to quantify the daily trend in noise levels attributable to traffic along the roadway. The Ldn at this location was 70 dBA. Residential units at the western portion of project sites would be located further away from the roadway than this measurement location, resulting in lower ambient noise levels.

Additionally, short-term noise measurements ST-1 through ST-4 were made at various locations throughout the project site representative of proposed noise-sensitive residential land uses. Ldn noise levels at short-term measurement sites were approximated by correlating them to corresponding periods at long-term sites. ST-1 was located 195 feet from the center of Monterey Highway, and a calculated Ldn ranging from 70 to 72 dBA was a result of Monterey Highway traffic only, there were no train passbys during the measurement. ST-2 was located 180 feet from the center of Hale Avenue/Santa Teresa Boulevard, which resulted in a calculated Ldn of 55 dBA. An Ldn of 65 dBA was calculated from ST-3 data, measured 280 feet from the center of UPRR and 390 feet from Monterey Highway and

included an Amtrak train passby. ST-4 was located 195 from the center of Monterey Highway and resulted in a calculated Ldn ranging from 70 to 72 dBA.

Application to North Campoli Drive Residential Project

Noise and Land Use Compatibility

A significant impact would occur if residential land uses proposed by the project would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from railroad noise. Future noise levels would not exceed the City's noise and land use compatibility standards. The North Campoli Drive project is located immediately south and adjacent to the Hale-Signature project site and proposes 10 single family homes that would be set back further from Monterey Highway, Hale Avenue and the UPRR than the Hale-Signature project. The North Campoli Drive Residential project is much smaller than the Hale-Signature project.

North Campoli Drive residences would be located no closer than 260 feet from the centerline of UPRR and 375 feet from the centerline of Monterey Highway. Assuming sound attenuation due to distance, noise levels are calculated to be 64 to 66 dBA L_{dn} at the easternmost areas of the project site. Since noise levels at these locations would be less than 70 dBA L_{dn} and dominated by railroad noise, this is a less than significant impact.

Residences proposed on the North Campoli Drive site would be no closer than 205 feet from the centerline of Hale Avenue/Santa Teresa Boulevard. Noise levels are calculated to be 54 dBA Ldn at westernmost residential facades. Since noise levels from traffic would be less than 60 dBA Ldn at these locations, this is a less than significant impact.

Construction Noise

Construction of the North Campoli Drive Residential project would expose nearby existing residences to construction noise comparable to construction noise assessed for the Hale-Signature Project in the Madrone Villages Noise and Vibration Assessment. Noise levels generated by project construction activities would temporarily elevate ambient noise levels at sensitive land uses in the vicinity. Although detailed schedules and phasing of construction activities are unknown at this time, construction activities on site would be limited to no more than one construction season.

Typically, significant noise impacts do not result when standard construction noise control measures are enforced at the project site and when the duration of the noise generating construction period is limited to one construction season (typically one year) or less. Noise generated by grading, infrastructure improvements and the construction of building shells would not be expected to result in noise levels exceeding 60 dBA L_{eq} and the ambient noise environment by 5 dBA L_{eq} for a period greater than one year.

The following standard controls are assumed to be included in the project:

- Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Locate stationary noise generating equipment (e.g. rock crushers, compressors) as far as possible from adjacent residential receivers.

- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers or recycled demolition materials.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Implementation of the above measures would reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance. With the implementation of these measures, and recognizing the duration of project construction activities, the substantial temporary increase in ambient noise levels would be less-than-significant.

Mitigation Measure: No additional measures required.

Groundborne Vibration from Construction

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used, but would not expose persons to excessive groundborne vibration. Construction activities would include site preparation work, foundation work, and new building framing and finishing. The proposed project would not require pile driving, which can cause excessive vibration.

Consistent with Hale-Signature Project impacts, vibration generated by construction activities near common property lines would at times be perceptible, however, would not be expected to result in “architectural” damage to buildings. This is a less-than-significant impact.

In areas where vibration would not be expected to cause structural damage, vibration levels may still be perceptible. However, as with any type of construction, this would be anticipated and it would not be considered significant given the intermittent and short duration of the phases that have the highest potential of producing vibration (demolition and use of jackhammers and other high power tools). By use of administrative controls such as notifying adjacent commercial shops of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with the least potential to affect these uses, perceptible vibration can be kept to a minimum and as such would not result in a significant impact with respect to perception.

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

Memo

To: **Julie Wright**
David J. Powers & Associates, Inc.

Date: **May 3, 2012**

From: **Jordan L. Roberts**

Subject: **South Campoli Drive Residential Project in Morgan Hill, CA - Noise and Vibration Assessment**

Two residential projects are proposed in Morgan Hill that would be adjacent to Old Monterey Road and near the Union Pacific Railroad line (UPRR) that serves CalTrain. The North Campoli Drive Project proposes 10 single-family homes and the South Campoli Drive Project proposes 11 single-family homes. A noise and vibration analysis was conducted previously for the Madrone Villages Project at the adjacent Hale-Signature project site. The purpose of this memo is to describe that analysis and apply those results to the South Campoli Drive Residential project.

Results from Hale-Signature Project Assessment

Hale-Signature Noise

The Hale-Signature Project noise and vibration assessment evaluated the project's potential to result in significant impacts with respect to applicable CEQA guidelines. Two long-term measurements established ambient noise levels attributable to nearby sources. LT-1 was located at the setback of existing and proposed residences, 85 feet from the centerline of the Union Pacific Railroad (UPRR) and about 195 feet from the centerline of Monterey Highway. Noise levels measured at this site were primarily the result of railroad train passbys, yielding an Ldn that ranged from 70 to 72 dBA. LT-1 represents the noise environment at residences on easternmost portions of the Hale Signature Project site. Site LT-2 was approximately 45 feet from the center of Hale Avenue/Santa Teresa Boulevard, and was selected to quantify the daily trend in noise levels attributable to traffic along the roadway. The Ldn at this location was 70 dBA. Residential units at the western portion of project sites would be located further away from the roadway than this measurement location, resulting in lower ambient noise levels.

Additionally, short-term noise measurements ST-1 through ST-4 were made at various locations throughout the project site representative of proposed noise-sensitive residential land uses. Ldn noise levels at short-term measurement sites were approximated by correlating them to corresponding periods at long-term sites. ST-1 was located 195 feet from the center of Monterey Highway, and a calculated Ldn ranging from 70 to 72 dBA was a result of Monterey Highway traffic only, there were no train passbys during the measurement. ST-2 was located 180 feet from the center of Hale Avenue/Santa

Teresa Boulevard, which resulted in a calculated Ldn of 55 dBA. An Ldn of 65 dBA was calculated from ST-3 data, measured 280 feet from the center of UPRR and 390 feet from Monterey Highway and included an Amtrak train passby. ST-4 was located 195 from the center of Monterey Highway and resulted in a calculated Ldn ranging from 70 to 72 dBA.

Hale-Signature Vibration

Vibration measurements of railroad trains were made at one location approximately 80 feet from the UPRR tracks, representing the easternmost boundaries of the nearest residential lots proposed at the Hale-Signature project site. Vibration levels measured on the site are representative of vibration levels at ground level (i.e. vibration levels that would enter the building foundation).

Caltrain passbys resulted in maximum overall levels ranging from 72 to 73 VdB. Data collected during the vibration monitoring survey were compared to data collected near Tilton Avenue in 2006 to confirm that the sample was representative. Vibration levels measured between 80 feet and 90 feet of the UPRR were below the FTA's 75 VdB "occasional events" criteria for a general vibration assessment and below the FTA's criteria for conducting a detailed vibration analysis.

Application to South Campoli Drive Residential Project

Noise and Land Use Compatibility

A significant impact would occur if residential land uses proposed by the project would be exposed to exterior noise levels exceeding 60 dBA L_{dn} from traffic noise and 70 dBA L_{dn} from railroad noise. The South Campoli Drive Project proposes 11 single family houses. This project is adjacent to Old Monterey Road with a setback from the UPRR that is similar to building setbacks of the Hale-Signature Project. The South Campoli Drive Residential project is smaller than the Hale-Signature project.

South Campoli Drive residences would be located no closer than 100 feet from the centerline of UPRR and 250 feet from the centerline of Monterey Highway. Assuming sound attenuation due to distance, noise levels are calculated to be 69 to 71 dBA L_{dn} at the easternmost areas of the project site.

The future exterior noise environment at residential land uses proposed adjacent to the UPRR and Monterey Highway would exceed 60 dBA Ldn from traffic noise and 70 dBA Ldn from railroad noise. Future noise levels would exceed the City's noise and land use compatibility standards. However, it is assumed that the private outdoor use areas of Lots 10 and 11, adjoining the UPRR, would be shielded by the residential units themselves, providing a minimum of 10 dB noise attenuation at exterior use areas.

Residences proposed on the South Campoli Drive site would be no closer than 205 feet from the centerline of Hale Avenue/Santa Teresa Boulevard. Noise levels are calculated to be 54 dBA L_{dn} at westernmost residential facades. Since noise levels from traffic would be less than 60 dBA L_{dn} at these locations, this is a less than significant impact.

Corresponding with the future interior noise environment of the Hale-Signature project, the design of eastern residences of the South Campoli Drive Project will require proper wall construction techniques, the selections of proper windows and doors, and the incorporation of a forced-air mechanical ventilation system to allow the occupant the option of controlling noise by closing the windows. Additional treatments may include, but are not limited to, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc.

Mitigation Measure:

The following measures shall be included in the design of the project:

- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for units throughout the site, so that windows could be kept closed at the occupant's discretion to control interior noise and achieve the interior L_{max} and L_{dn} noise standards.

- Provide sound rated windows and doors to maintain interior noise levels at acceptable levels. Preliminary calculations made based on the data contained in the conceptual design plans indicate that sound-rated windows and doors with a sound transmission class rating of STC 38 to 43 would be sufficient to control maximum instantaneous noise levels to 50 dBA L_{max} in bedrooms, 55 dBA L_{max} in other habitable rooms, and to also achieve the 45 dBA L_{dn} interior noise standard. Additional treatments may include, but are not limited to, sound rated wall construction, acoustical caulking, insulation, acoustical vents, etc. Large windows and doors should be oriented away from the railroad where possible. Bedrooms should be located away from the UPRR.

- Confirm the final specifications for noise insulation treatments during final design of the project, based on the best available data regarding future usage assumptions for the UPRR and HST alignments. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.

The implementation of the above measures would reduce exterior and interior noise level to acceptable levels, resulting in a less-than-significant impact.

South Campoli Drive Vibration

The easternmost boundaries of residential lots proposed for the South Campoli Drive site would be at about the same setbacks from the UPRR railroad tracks as easternmost boundaries of Hale-Signature Project residences. Therefore, maximum overall levels ranging from 72 to 73 VdB would be expected at these residential boundaries as well, and would also be below the FTA's 75 VdB "occasional events" criteria for a general vibration assessment. No mitigation would be required.

Construction Noise

Construction of the South Campoli Drive Residential project would expose nearby existing residences to construction noise comparable to construction noise assessed for the Hale-Signature Project in the Madrone Villages Noise and Vibration Assessment. Noise levels generated by project construction activities would temporarily elevate ambient noise levels at sensitive land uses in the vicinity. Although detailed schedules and phasing of construction activities are unknown at this time, construction activities on site would be limited to no more than one construction season.

Typically, significant noise impacts do not result when standard construction noise control measures are enforced at the project site and when the duration of the noise generating construction period is limited to one construction season (typically one year) or less. Noise generated by grading, infrastructure improvements and the construction of building shells would not be expected to result in noise levels exceeding 60 dBA L_{eq} and the ambient noise environment by 5 dBA L_{eq} for a period greater than one year.

The following standard controls are assumed to be included in the project:

- Construction activities shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. No construction activities should occur on Sundays or federal holidays (Consistent with Section 8.28.040 of the Morgan Hill Municipal Code).

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- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

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Mitigation Measure: No additional measures required.

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use of administrative controls such as notifying adjacent commercial shops of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with the least potential to affect these uses, perceptible vibration can be kept to a minimum and as such would not result in a significant impact with respect to perception.

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